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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005) of 24 March 2005, in which the Council requested me to keep it regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire and the implementation of the mandate of the United Nations Mission in the Sudan (UNMIS). The report also provides an assessment of the overall situation in the country since my previous report to the Council, dated 21 December 2005 (S/2005/821).

II. Implementation of the major elements of the Comprehensive Peace Agreement

2. While there was some progress in the implementation of the Comprehensive Peace Agreement during the reporting period, several aspects of the process have experienced significant delays, which is a source of concern. In addition, while the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) have on the whole respected the letter of the Comprehensive Peace Agreement, the spirit of cooperation, inclusiveness and transparency envisioned in the agreement has been less than hoped for, and there is an increasing possibility of misunderstandings between the two parties.

3. More than one year after the signing of the Comprehensive Peace Agreement, a number of commissions called for in the agreement have not yet been established. These include the Human Rights Commission, the Civil Service Commission, the Land Commission, the National Electoral Commission and the Commission for the Protection of the Rights of non-Muslims in the National Capital. Among the commissions or committees that have been established, only the Ceasefire Joint Military Committee and the Assessment and Evaluation Commission have met regularly. Several other bodies, such as the ad hoc technical border committee, have yet to convene their first meetings.

4. The Ceasefire Political Commission, which is mandated to supervise the implementation of the ceasefire and security arrangements and settle deadlocks between the parties as reported by the Ceasefire Joint Military Committee, met for the first time on 23 February 2006. The meeting, in which my Special Representative, Jan Pronk, and the UNMIS Force Commander, Lieutenant-General

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Jasbir Singh Lidder, participated, cleared up procedural questions and approved the Commission's terms of reference, paving the way for substantive issues to be taken up in subsequent meetings. The Commission decided that henceforth it would meet on a monthly basis.

5. In the area of wealth-sharing, the Fiscal and Financial Allocation and Monitoring Commission and the National Petroleum Commission were both established, but are not yet performing their key functions, making it difficult to gauge actual progress in this critical aspect of the process. In particular, there have been conflicting reports regarding the share of oil revenues transferred to the Government of Southern Sudan.

6. In spite of these delays, the parties have moved forward on a number of other tasks called for in the Comprehensive Peace Agreement. On 24 December 2005, President Omar Hassan Al-Bashir issued a decree appointing the president and members of the Constitutional Court of the Sudan, who were sworn in on 31 December.

7. On 29 December 2005, President Al-Bashir issued a decree establishing the Joint Defence Board, following the endorsement of the Joint Integrated Units Act by the National Assembly on 19 December. As of 14 February, the Board had met twice.

8. The Assessment and Evaluation Commission, which is tasked with monitoring implementation and conducting a midterm evaluation of the unity arrangements established under the Comprehensive Peace Agreement, held its fourth meeting on 2 February 2006. It approved the Commission's rules of procedure, a workplan for 2006 and a letter of understanding with the Government of National Unity.

9. All but two of the 15 northern states (Khartoum and Southern Kordofan) have adopted their state constitutions. In southern Sudan, the Southern States Constitution Drafting Committee met in Rumbek in December and prepared a model constitution for the southern States, in accordance with the Interim Constitution of Southern Sudan. In February, a committee was tasked with adapting the model constitution to the particular characteristics of each of the 10 southern states.

10. The Sudanese Presidency has not yet acted on the final and binding decisions of the Abyei Boundaries Commission, which submitted its report in July 2005. The Commission was established under the Comprehensive Peace Agreement to define and demarcate the area of the Ngok Dinka chiefdoms transferred to Kordofan in 1905. Lack of action on the report has delayed an agreement on powersharing in the Abyei Assembly, which was to have been established on 9 January 2006.

11. First Vice-President Salva Kiir and the leader of the South Sudan Defence Forces (SSDF), Major-General Paulino Matip, signed the "Juba Declaration on Unity and Integration of the Sudan People's Liberation Army and the South Sudan Defence Forces" on 8 January 2006, at the conclusion of a south-south dialogue held in Juba. It is hoped that this development will enhance stability in southern Sudan. It remains to be seen, however, how the merger agreement will materialize on the ground. By late February, most former SSDF commanders had officially declared their allegiance to SPLA, while a minority had decided to remain loyal to the Sudanese Armed Forces.

12. Under the Comprehensive Peace Agreement, the incorporation of other armed groups into the regular forces of either of the parties or their reintegration into the civil service or civil society institutions should have been completed by 9 January 2006, but the deadline was not met. In January 2006, the Ceasefire Joint Military Committee agreed that the date for final reporting of other armed groups would be extended to 9 March 2006.

13. This important issue is not being addressed through the Comprehensive Peace Agreement mechanisms created for that purpose, in this case the Other Armed Groups Collaborative Committee, which has still not been activated. Following the signature of the Juba Declaration, the Sudanese Armed Forces immediately appointed a new command for SSDF. Paulino Matip has declared, however, that the signing of the declaration means that SSDF no longer exists. Upper Nile has seen numerous clashes involving other armed groups since the end of 2005. The parties should implement the elements of the Comprehensive Peace Agreement designed to deal with such conflicts in a transparent and verifiable process, which will restore confidence in their willingness to end the chapter of proxy forces and militia in the Sudan.

14. During President Al-Bashir's visit to Juba and Rumbek on 14 February, he affirmed the right of the people of southern Sudan to vote in the referendum in 2011 and said that he would prefer separation over war. He also said that NCP was ready to share wealth with the south.

15. The reported activities of the Ugandan rebel group Lord's Resistance Army (LRA) remain a serious concern in southern Sudan. It continues to be a threat to civilians in Equatoria state, as well as to vital assistance activities carried out by United Nations agencies and non-governmental organizations in the region. Recent attacks, allegedly perpetrated by LRA groups, have severely affected critical humanitarian programmes and most of the area around Juba is now operating under a heightened United Nations security status (Phase 4), meaning that all United Nations activities need to be conducted under protection. In Western Equatoria state, an armed attack on the United Nations Children's Fund (UNICEF) and UNMIS compounds at Yambio in February, which was blamed on LRA, is evidence of the tangible threat.

16. According to UNMIS, the Ugandan People's Defence Forces now assess that there may be four separate LRA groups operating in southern Sudan. The parties to the Comprehensive Peace Agreement, who agreed in Naivasha that they were responsible for addressing the issue of foreign insurgency groups, must work together more effectively with their Ugandan partners to resolve the issue, including by working to bring about the capture of LRA leaders indicted by the International Criminal Court and ensure their transfer to The Hague. It is worth recalling in this connection, that UNMIS force configuration, capacity and assets in the Sudan, as well as its mandate, do not allow it to carry out any functions additional to those set out in Security Council resolution 1590 (2005).

17. During the reporting period, regional developments continued to have a serious impact on the situation in the Sudan. The already strained relations between the Sudan and Chad deteriorated further following a reported attack by Chadian opposition groups on 18 December 2005 on the Chadian border town of Adre. The incident led to an exchange of accusations between Khartoum and N'Djamena and a worrying build-up of troops on both sides of the border. Efforts by the African

Union (AU) and the Libyan Arab Jamahiriya to defuse the tensions culminated in an agreement signed at Tripoli on 8 February 2006, in which the Presidents of Chad and the Sudan agreed to work on settling their disagreements. However, reports of tensions in the border area, which have continued since the signing of the Tripoli agreement, have had a serious destabilizing effect on the region. Relations between the Sudan and Eritrea, which had improved in December, have recently become more difficult again.

18. UNMIS closely monitored regional developments and contributed to efforts aimed at strengthening cooperation among the United Nations missions in the region. Substantive interaction took place between UNMIS and the United Nations Mission in the Democratic Republic of the Congo (MONUC), the United Nations Mission in Ethiopia and Eritrea (UNMEE), the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and the United Nations country team in Chad.

Darfur

19. The security situation in Darfur has continued to deteriorate in several areas. Peace talks in Abuja failed to meet the 31 December 2005 deadline set by the parties themselves. Following the start of the seventh round of talks on 29 November, little progress was registered, except in the commission on wealth sharing. Since mid-January 2006, the overall pace of negotiations has picked up, although the parties have not yet been able to reach agreement on any of the major issues under discussion in either the powersharing commission or the commission dealing with security arrangements.

20. The rebel movements, in particular the Sudan Liberation Movement (SLM), remain divided. The longer the Abuja process lasts, the more the movements may fracture and the less control they will have over armed elements on the ground. External factors, such as instability in Chad, continue to loom over the process, and the escalated violence in West Darfur has both impinged negatively on the peace negotiations and limited the scope of United Nations operations. AU mediators and international partners, including my Special Representative, have consistently urged the parties to work as expeditiously as possible, stressing that the time had come to conclude a peace agreement.

21. During the reporting period, UNMIS continued to provide support to the Panel of Experts established pursuant to Security Council resolution 1591 (2005).

Liaison with the African Union Mission in the Sudan

22. UNMIS continued to liaise and work closely with the African Union Mission in Sudan (AMIS) through regular contacts with the AU Special Representative in the Sudan and the AU presence in Darfur, as well as through periodic meetings between the United Nations Assistance Cell and the AU leadership in Addis Ababa. The Assistance Cell also continued its support to AU in the areas of operational planning and management.

23. In its communiqué of 12 January, the AU Peace and Security Council, inter alia, expressed its support, in principle, to a transition from AMIS to a United Nations operation. The decision was followed by a statement of the President of the Security Council on 3 February (S/PRST/2006/5). Since then, consultations with

AU and informal contingency planning for a possible United Nations operation in Darfur have started. I have established a planning team, which is led from United Nations Headquarters in New York and includes United Nations elements in Khartoum and Addis Ababa. Planning for a possible transition will be based on the experience and expertise gained by AU, and AMIS in particular, as requested in the 3 February statement of the President of the Security Council. The support and cooperation of the Government of National Unity and other parties to the Abuja process will also be essential.

III. Implementation of the mandate of the United Nations Mission in the Sudan

Political support and reconciliation

24. To assist the parties in implementing the Comprehensive Peace Agreement and resolving ongoing conflicts in Sudan, UNMIS continued to provide good offices and political support, in accordance with paragraph 3 of resolution 1590 (2005).

25. In eastern Sudan, UNMIS continued to urge the Eastern Front leadership and the Sudanese Government to engage in peace talks at the earliest opportunity. The need for the earliest negotiated agreement was underscored by incursions into Hameshkoreib by militia allied to the Sudanese Armed Forces on 11 January 2006, two days after the expiry of the original deadline set in the Comprehensive Peace Agreement for the completion of the redeployment of forces of the Sudan People's Liberation Army from the area. Despite the parties' approval of a mediation offer by the Libyan Arab Jamahiriya in October 2005, negotiations have so far not started, raising serious concern about the possibility of the resumption of fighting between the Government and the Eastern Front upon the withdrawal of the SPLA forces.

26. Localized conflicts in southern Sudan are also contributing to instability. Much of this fighting is associated with the seasonal movement of people and cattle to the dry-season grazing areas. Through the timely dispatch of United Nations teams, a combination of military observers, police and humanitarian, civilian affairs, human rights and force protection personnel, UNMIS has been able to prevent or manage the escalation of localized conflicts in a number of locations over recent months.

27. In Bor, UNMIS helped diffuse tensions between SPLA and the Sudanese Armed Forces soldiers, while in the area of Kaka near Malakal, UNMIS intervened through the Area Joint Military Committee and the Ceasefire Joint Military Committee and was able to persuade local elements of the Sudanese Armed Forces and SPLA to refrain from military action. In Western Equatoria, UNMIS established a United Nations military observer presence in the town of Yambio following clashes between the Zande and the Dinka. However, tensions between these two groups continue, as their underlying causes have yet to be addressed. Renewed clashes were reported in February in Nadiangere, north of Yambio, displacing an estimated 35,000 people.

28. In Abyei, despite previous concerns that the start of the migration season could lead to clashes between the Misseriya and Dinka tribes, owing, in particular, to uncertainty over the Abyei boundary issue, the migration of nomads has proceeded without major incident. There too, the Mission's good offices and increased civilian, police and military presence has had a stabilizing effect in the area.

29. UNMIS continued to lend its strong support to the AU-led mediation effort in Abuja by providing good offices, substantive expertise and logistical support for participants attending the talks. Gradually, UNMIS is also becoming involved in local reconciliation efforts in Darfur.

Military deployment and activities

30. United Nations military deployment has continued during the reporting period but remains behind schedule. As of 4 March 2006, the strength of the military contingent stood at 7,697 personnel, or 78 per cent of an expected total of 9,880 from 66 countries. The total included 171 staff officers, 635 military observers and 6,891 troops. It is hoped that UNMIS deployment will be largely completed by the end of March, however, some critical Mission assets still remain to be deployed, including Russian and Pakistani aviation units, three demining companies, the majority of the Kenyan contingent and enabling units from China.

31. A contributing factor to some of these delays is the heightened United Nations security status in effect in the area south of Juba, through which the majority of the contingent-owned equipment has to transit. In this area, all convoys have to be escorted, overstretching the force protection troops. Another factor delaying deployment is the limited capacity of local contractors to provide vehicles and barges for large-scale deployments over long distances.

32. Team site preparation has made steady progress during the dry season. Fully functional sites now include Juba, Torit, Maridi, Wau, Rumbek, Melut, Bentiu, Kadugli, Kauda, Dilling, Ed Damazin, Abyei and Kassala. The site at Malakal has not progressed as planned, however, owing to the acute shortage of construction material on the local Sudanese market, including, most crucially, gravel, and access difficulties related to the presence of mines. This has resulted in the need to relocate the Indian force reserve from Malakal to Kadugli. The access road at the Malakal site is in the process of being demined.

33. All military contingents have deployed with their respective level I clinics. The second phase of the establishment of level II and level III hospitals is expected to be completed by the end of March, and the personnel for these hospitals has been deployed in all sectors, except Wau.

34. The Bangladeshi (Sector I), Indian (Sector III), Egyptian (Sector IV), Pakistani (Sector V) and Zambian (Sector VI) contingents are nearing full strength. The Indian aviation unit is ready for limited operational tasking, but has yet to achieve night-flying capability. Delivery of contingency-owned equipment for the contingents from Bangladesh, Zambia, Nepal, India and Pakistan has been completed, while the delivery of the Chinese, Cambodian and Kenyan contingency-owned equipment is in progress. The Bangladeshi riverine unit is still being staged forward to Malakal, with delays being caused by limited availability of barges. The Rwandan protection company has assumed full duties in Khartoum. Medical evacuation capability by air is functional but limited, pending Indian helicopters achieving night-flying capability.

35. The Ceasefire Joint Military Committee has held 20 meetings under the chairmanship of the UNMIS Force Commander and continues to work effectively. It provides an important forum for oversight, coordination and liaison between the parties, thus facilitating their efforts to implement the Comprehensive Peace

Agreement. The Ceasefire Joint Military Committee decided that, as of 1 January 2006, troop movements would not be accepted as compliant with redeployment obligations unless they have been physically monitored and verified by joint military teams. While progress is being made in collecting data, both parties are still to provide comprehensive data about their forces. At the meeting of the Ceasefire Joint Military Committee on 28 February, SPLA said that it would redeploy its forces from eastern Sudan by 6 May, with logistical support to be provided by the Sudanese Armed Forces.

36. The Ceasefire Joint Military Committee has succeeded in forging a consensus between the parties on a number of issues. As mentioned above, UNMIS has resolved standoffs in a number of locations. The Committee, through the Joint Monitoring and Coordination Office, has successfully trained 66 national monitors (out of a planned total of 252), who have been deployed to the sectors. However, the fact that the national monitors are so far not being provided financing by the parties is a major hindrance to the process.

37. Over the past three months, both parties nominated the majority of the forces required to form the Joint Integrated Units and moved them to assembly areas. The Sudanese Armed Forces reported that 15,752 troops (2,384 verified by United Nations military observers) were available for the Joint Integrated Units. SPLA reported that 14,929 troops (11,400 verified by United Nations military observers) were available for the units. However, no Joint Integrated Units have yet been formed, and the timelines in the Comprehensive Peace Agreement have thus been compromised.

38. The continued delays in formation of the Joint Integrated Units may pose major problems for the implementation for the Comprehensive Peace Agreement. The Units are not only essential for addressing potential conflicts, but their continued non-existence may become a source of insecurity itself, as frustration among the soldiers, many of whom are not being regularly paid, is on the rise. UNMIS has made this concern clear to both parties.

39. The key to establishing the Joint Integrated Units is the activation of the Joint Defence Board. Selected Unit divisional commanders from both parties cannot form even battalion-level integrated units without specific and detailed direction from the Joint Defence Board, which, despite pressure from the Ceasefire Joint Military Committee, has yet to establish the Joint Integrated Units headquarters and a funding stream to pay the Units.

40. While the logistical challenges to the deployment of the UNMIS military component have been every bit as arduous as my early reports on the Sudan anticipated, much of that component is now operational in the Mission's current areas of responsibility. As mentioned above, there are considerable obstacles to the smooth implementation of the Comprehensive Peace Agreement and a number of spoiler factors that have already led to violent incidents and have the potential to cause considerable harm to the peace process. Where localized conflicts and flare-ups occur, UNMIS continues to juggle resources at its disposal, but is now increasingly able to react swiftly in an effort to contain crises before they spin out of control. In its resolution 1590 (2005), the Security Council requested me to regularly review the troop levels of UNMIS, and the 3 February 2006 Presidential statement (S/PRST/2006/5) referred to a possible reallocation of existing troops and assets to Darfur. Given the fragile situation in the current Mission area of

responsibility and the considerable challenges ahead, I would strongly caution against any reduction of the UNMIS presence at this time.

Disarmament, demobilization and reintegration

41. During the reporting period, progress was made in supporting the national disarmament, demobilization and reintegration authorities. Demobilization of child combatants commenced with the formal discharge of children from the SPLA forces in Western Upper Nile. The South Sudan Disarmament, Demobilization and Reintegration Interim Authority has so far demobilized over 140 children and reunited them with their families.

42. Assessments of disabled soldiers and women associated with the SPLA have been completed. The implementation of transitional support services and/or projects for these target groups was expected to start in March 2006. UNMIS is providing technical support through the disarmament, demobilization and reintegration authorities of southern Sudan for the pre-registration of the concerned SPLA personnel (including the recently aligned other armed groups). This will not only help to establish the number of women and disabled combatants eligible for reinsertion assistance, but will also generate data for the design of the formal multi-year disarmament, demobilization and reintegration programme. A similar pre-registration support has been offered to the northern disarmament, demobilization and reintegration authorities for the other armed groups aligned to the Sudanese Armed Forces.

43. The Government of Canada has recently contributed 500,000 Canadian dollars for the implementation of the interim programme. This contribution, together with the previous donations of the Governments of Japan and the United Kingdom of Great Britain and Northern Ireland, are welcome, but more donor support is required for the interim programme. President Al-Bashir formally decreed the establishment of the National Council for Disarmament, Demobilization and Reintegration Coordination and the Disarmament, Demobilization and Reintegration Commission for Northern Sudan on 18 February 2006. The Government of Southern Sudan is yet to similarly decree the establishment of the Disarmament, Demobilization and Reintegration Commission for Southern Sudan and to provide adequate and capable staffing. Also, while the Government of Southern Sudan formally endorsed the interim disarmament, demobilization and reintegration programme in January 2006, the Government of National Unity has not yet formally endorsed it.

44. In paragraph 39 of my previous report (S/2005/821), I outlined the need for UNMIS to play an augmented role in the eventual downsizing and/or voluntary demobilization of considerable numbers of ex-combatants, beyond what had been explicitly stated in the Comprehensive Peace Agreement. This augmented role will be required in light of the limited capacities of the parties, the close link between the disarmament, demobilization and reintegration programme and the UNMIS mandate to support the peace process and a result of our experiences in planning and supporting the current interim disarmament, demobilization and reintegration programme with the parties. Given the concerns of the General Assembly, voiced during its deliberations on the UNMIS budget for 2004-2005, concerning the extent to which the Mission should provide support to the parties, an endorsement from the Security Council for such an augmented role would assist the Mission in supporting the implementation of the full Sudanese disarmament, demobilization and

reintegration plan, including addressing the disarmament, demobilization and reintegration of the other armed groups.

Police

45. The deployment rate of the United Nations police component has steadily increased. As at 5 March 2006, there are 474 police officers deployed of an authorized total of 715, from 32 countries, in spite of a lack of facilities in many areas. United Nations police were deployed to UNMIS team sites at Torit, Aweil, Bentiu, Melut, Bor and Abyei.

46. Capacity- and confidence-building activities continue to be major areas of focus for the police component. In cooperation with the United Nations Development Programme (UNDP), United Nations police have engaged close to 700 senior and junior local police officers in several training activities in different locations in the south. Significant among the training activities was a workshop for 17 top-level police officers from the rank of Major-General and Brigadier from a range of headquarters departments in Khartoum. United Nations police have continued to monitor, advise and report on the activities of the local police in southern Sudan. The process of reforming and restructuring the SPLM police has begun with the launch of a pilot sector assessment programme.

47. At the national level, the police of both the Government of National Unity and the Government of Southern Sudan still resist efforts to form a combined forum to address matters of common importance. This has now been raised as a matter of concern at the highest political level, including by my Special Representative.

Human rights

48. National security officers continue to arrest and arbitrarily detain individuals considered to be a threat to the State, including students and human rights defenders. Ill-treatment and torture of people in national security custody continue to be reported. The process of legislative reform envisaged by the Comprehensive Peace Agreement and the Interim National Constitution has not yet commenced. However, steps have been taken by the Government of National Unity to ensure that national security recruitment is more representative.

49. In Darfur, as detailed in my monthly reports to the Security Council, indiscriminate attacks continued against civilians, including assault and rape of women by armed militias. Police and other officials are often involved in human rights abuse.

50. In southern Sudan and Abyei, rights to due process and fair trial guarantees are hampered by a lack of human and financial resources in the law enforcement and justice sectors. In the absence of a functioning justice system in some regions, customary laws are applied that do not adequately protect individual rights.

51. Owing to lack of agreement between NCP and SPLM on the draft law for the National Independent Human Rights Commission, no developments had taken place in relation to the establishment of the Commission. In addition, there have been insufficient efforts to consult with civil society and other relevant actors in the preparation of the draft law.

52. As part of efforts towards reforming laws that are inconsistent with international human rights standards, UNMIS conducted human rights workshops for civil society organizations in Kordofan, Kassala and Juba, and meetings with parliamentarians in Khartoum.

Rule of law

53. Working closely with donors, UNMIS and UNDP collaborated in providing support to the Commission Preparatory Team for the National Judicial Service Commission. UNMIS and UNDP are also providing capacity-building support to the Commission. The multi-donor trust fund has approved a UNDP-supported capacity-building project for the national judiciary, to be implemented jointly with the Government of National Unity. The Government has agreed to contribute $5 million to the $18 million project. The Southern Sudan Fund has approved $70 million for an initial project proposal on rule of law capacity-building.

54. Key tasks of UNMIS within the judicial area include observance of the adherence by parties to their rule of law-related commitments in the Comprehensive Peace Agreement. The National Judicial Service Commission Act, which has been signed into law, vested power in the President of the Republic to appoint all judges, including those from southern Sudan. This is in clear violation of the Interim National Constitution and the Interim Constitution of Southern Sudan.

55. The Interim National Constitution, in accordance with the Comprehensive Peace Agreement, calls for the creation of a national security service of a truly national character, with duties focused on gathering information and analysis. However, the current national security service still has law enforcement powers and controls detention facilities in Darfur, among other areas. The national security laws need to be brought in line with the Interim National Constitution.

56. I am concerned about the new law regulating non-governmental organizations, which was passed by Parliament on 21 February 2006. My Special Representative has written to the Government to raise concern about the new requirement for executive-level approval of foreign funding for non-governmental organizations. I believe this constitutes an unreasonable level of Government interference in the activities of non-governmental organizations and donors that could affect the delivery of humanitarian assistance in the Sudan.

Public information

57. UNMIS Radio is ready to go on the air in Khartoum and, within weeks, in Juba. While the Government of National Unity has now allocated a countrywide frequency to UNMIS radio, as per the status-of-forces agreement, no formal licence has yet been granted. A delay has arisen over whether the Sudan Radio and Television Corporation or the Government of Southern Sudan holds authority over locations in the south where UNMIS plans to co-locate relay stations on broadcast sites. It is the view of UNMIS that it has already been authorized to carry out radio broadcasts under the terms of the status-of-forces agreement. UNMIS has also reached agreement with the Government of Southern Sudan concerning its radio operations in the south. However, the Sudan Radio and Television Corporation continues to claim authority over all broadcast sites in the south and does not accept the UNMIS agreement. The Government of National Unity should grant an

immediate license to UNMIS for its radio operations and accept its agreement with the Government of Southern Sudan.

58. The Sudan Radio and Television Corporation maintains its position that UNMIS Radio will not be allowed to broadcast independently in Darfur or areas in eastern Sudan but that it may be allowed some airtime on Government transmitters. As I stated in my previous quarterly report, such limitations will severely restrict the Mission's broadcasting capability, which is unacceptable.

59. Weekly briefings by the UNMIS spokesperson, regular press conferences given by my Special Representative, the online publication of the UNMIS "Comprehensive Peace Agreement Monitor" and Mission newsletters distributed in northern and southern locations provide important outlets to the media and the general public in the Sudan. Plans are moving ahead in both southern Sudan and northern locations for further outreach to the general population on the Comprehensive Peace Agreement and the role of UNMIS.

Humanitarian assistance

60. The intensification of violence in Darfur resulted in temporary and localized access restrictions for humanitarian organizations. The situation was most acute in West Darfur, where humanitarian activities were trimmed down to essential services in some areas as a result of the reduction of staff under heightened United Nations security restrictions (phase 4). In February 2006, the Government of National Unity indicated that it would extend the "Moratorium on Restrictions for Humanitarian Work" in Darfur until December 2006. This extension is essential for the humanitarian community, allowing it to provide effective assistance to war-affected populations in Darfur.

61. In southern Sudan, the increased presence of the United Nations and non-governmental organizations has led to the strengthening of humanitarian activities in food assistance, nutrition, health, water and other fields. Nearly 1.8 million people, including about 120,000 returnees every month, have been assisted with general food distributions. More than 600 new water sources have been constructed and nearly 600 others rehabilitated, giving an additional 600,000 people access to safe water. These gains have been somewhat offset, however, by insecurity and violence. Humanitarian space, most notably in Equatoria, has been shrinking due to violence, allegedly perpetrated by LRA. Key access roads have become inaccessible to humanitarian workers without military escorts, and only a minimum level of life-saving activities can be carried out in many areas while relief operations have had to be suspended entirely in others.

62. In February 2006, the Government, together with non-governmental organizations and United Nations agencies, undertook efforts to control a rising number of cases of acute diarrhoea, which had claimed the lives of 52 people in Yei and 75 people in Juba, as of 3 March. Some samples tested positive for cholera. Water treatment and public hygiene measures were being strengthened in affected areas in order to prevent the spread of cholera.

Protection of civilians

63. The protection of civilians, particularly children, remains of concern throughout the Sudan. Poverty and other factors force many children in Khartoum

and in the towns of southern Sudan to live on the streets. A growing number of these children end up in detention. Legal frameworks for juvenile justice are inadequate, as are social policies to address neglect and abandonment of children. Under these circumstances, children remain vulnerable to recruitment into armed groups.

64. Returns precipitated by dire living conditions or local conflict are likely to cause protection problems. It is the primary responsibility of the authorities in both northern and southern Sudan to safeguard the protection of internally displaced persons who are unable or choose not to return. In addition, those families that return on their own must not be forgotten once they arrive in their home areas. In particular, their basic needs must be met and much more investment and action are required to create a protective environment in places of origin.

Returns

65. As many as 500,000 people returned spontaneously to southern Sudan in 2005, including internally displaced persons and refugees. During the first quarter of 2006, UNMIS helped to coordinate the assisted return of some 12,000 internally displaced persons to Jonglei state from 34 cattle camps in Western Equatoria. By early February, they had all passed through Juba, leaving about 4,300 vulnerable people at a temporary way station established at Lologo, south of Juba. Through a voluntary process, vulnerable members of this displaced community were separated from the more able-bodied, who walked back to Jonglei together with up to 300,000 head of cattle. The UNMIS military component supported the effort through the provision of medical and engineering services at the Lologo way station and by deploying United Nations military observers to Jonglei state to reduce tensions in the area. A temporary office was established in Bor to coordinate the return operation at the reception site.

Mine action

66. To assist in the process of opening up roads and enabling the return of internally displaced persons, UNMIS mine action teams have continued operations in the Nuba Mountains, Juba, Rumbek, Wau, Yei, Malakal, Ed Damazin and Darfur. Over 390 kilometres of roads have been verified or cleared for emergency deployment and aid delivery, including the Kadugli-Talodi and Rumbek-Wau roads. It is hoped that by the end of March 2006, it will be possible to drive from Khartoum to the Ugandan border on roads that have been identified by UNMIS as high priority, going through Abyei, Wau, Rumbek and Yei. These roads are currently being verified and cleared using UNMIS-supported assets. The Mission's priority is to open the ring road connecting Juba, Rumbek, Wau, Abyei, Kadugli, Malakal, Bor and back to Juba by the start of the coming wet season, with feeder roads going through Lokichokio, Kapoeta, Torit to Juba, from Yei to Juba, and from Nimule to Juba.

67. To date, 2.1 million square metres of suspected dangerous areas have been cleared. The destruction of 619 anti-tank mines, approximately 183,051 pieces of unexploded ordnance, and 788 anti-personnel mines has been carried out. Mine risk education continues to be provided to internally displaced persons in camps located in Khartoum and in way stations established at various locations to facilitate the return of the displaced.

68. The United Nations Mine Action Office completed predeployment training of demining companies in Egypt, Kenya, Pakistan, Bangladesh and Cambodia. The companies have been accredited to international standards and are ready for deployment.

69. However, demining work has continued to be hampered by lack of funds as well as insecurity in the south. In addition to addressing the immediate needs of the Mission to deploy through route and area clearance, the mine-action component requires improved data collection through survey activities to prioritize high- and medium-impact areas for clearance.

70. Currently, the perception and reality of the presence of mines in the Sudan is a serious inhibiting factor to development. This is contributing significantly to the extreme level of poverty and lack of primary health care and education services among the rural populations of the country, in particular in the south. There is an immediate need for funds to support route and technical surveys, route clearance and mine risk education to identify and neutralize both the perceived and real threats of mines throughout transitional areas and southern Sudan.

71. On 25 December 2005, a presidential decree was issued for the establishment of the National Mine Action Authority. Although the Comprehensive Peace Agreement calls for the establishment of two mine action authorities (one for the north and one for the south), the decree orders the establishment of a single national mine action authority, with a general secretariat and National Mine Action Centre based in Khartoum. Under the National Mine Action Centre, there will be a Regional Mine Action Centre in southern Sudan, based in Juba.

Economic recovery and reconstruction

72. Efforts to coordinate support for economic recovery and reconstruction have continued. With respect to the multi-donor trust funds, grant agreements between the Government of Southern Sudan and the World Bank have now been signed for an emergency infrastructure and transport programme and an overall reconstruction programme focusing on getting the offices of the Government of Southern Sudan up and running, establishing a procurement agent, procuring drugs and school supplies and providing water in rural areas of southern Sudan. Grant agreements have also been signed between the Government of National Unity and the World Bank to establish a community development fund, as well as a technical assistance facility to support the work of Government counterparts.

73. With the International Monetary Fund (IMF), the World Bank and Government counterparts, significant effort has also gone into identifying and assessing progress made towards the 2005 targets identified in the Sudan Joint Assessment Mission, in preparation for the Meeting of the Sudan Consortium in Paris on 9 and 10 March 2006. Progress in meeting the targets set by the Joint Assessment Mission has fallen short, partly due to the lack of disbursement of donor funds through the multi-donor trust funds. Most worrying has been the lack of overall progress in the three transitional areas, Abyei, Blue Nile and Southern Kordofan. Although some $440 million was requested to support recovery and development in 2005, only $172 million has been disbursed.

Support from donors

74. The 2005 workplan focused on maintaining the massive humanitarian operation in Darfur and southern Sudan and transitioning from humanitarian assistance to recovery and development, where possible. Against requirements of nearly $2 billion, just over $1.1 billion was received, primarily for humanitarian requirements. As such, implementation of the workplan has resulted in significant achievements on the humanitarian side. These accomplishments have included the distribution of food to six million people, ensuring that over 600,000 additional people have access to clean water, and targeting approximately two million people with health services in southern Sudan. Working to try to fill the gap in urgently needed recovery and development interventions, efforts were also made to support the establishment of governmental institutions at the state and local levels, to repair or construct 820 kilometres of roads in southern Sudan and to strengthen rule of law throughout the Sudan.

75. The 2006 workplan for the Sudan was launched in December 2005, with total funding requirements amounting to $1.7 billion, including $1.5 billion in humanitarian requirements and $211 million for recovery and development activities. A common humanitarian fund has been established for the Sudan, in which participating donors provide funding through the common framework towards humanitarian elements of the workplan, under the guidance of the humanitarian coordinator. Confirmed donors to the common humanitarian fund modality include the United Kingdom, the Netherlands, Sweden and Norway.

76. The 2006 workplan is currently funded at $281.9 million, or 16.3 per cent. While the common humanitarian fund mechanism has enabled projects to be initiated and has ensured an appropriate distribution of available funds, there are large shortfalls in all sectors. Humanitarian, recovery and development needs remain high and urgent. It is therefore extremely important that donors remain fully engaged in the Sudan in 2006 and that the requirements of the workplan are met in a timely manner.

Gender

77. UNMIS continued to support gender mainstreaming both within the mission and with the Government. The Gender Unit continued to provide induction training on gender awareness to newly arrived staff and other UNMIS personnel. Until the recent establishment of the Conduct and Discipline Unit, the Gender Unit also provided training to staff on the prevention of sexual exploitation and abuse.

78. During the reporting period, the Gender Unit collaborated with a number of mission components to provide gender-awareness training to a number of external actors, including SPLA and the Sudanese Armed Forces national monitors, high-ranking police officers, representing different organs of the northern Sudanese police, and media representatives, as well as giving briefings to the Northern Disarmament, Demobilization and Reintegration Commission and to communities in Western Equatoria state, in collaboration with UNMIS civil affairs.

HIV/AIDS

79. The HIV/AIDS Unit of UNMIS conducted induction training for 1,398 UNMIS troops and military observers, as well as predeployment training for 350

military observers in Nairobi. A training-of-trainers course in HIV/AIDS peer education was conducted in Juba for representatives of SPLA and the Sudanese Armed Forces and others. UNMIS participated in a three-day workshop held in Rumbek during which an SPLA HIV/AIDS policy was developed. In Darfur, the Unit provided technical support for HIV/AIDS campaigns.

Conduct and discipline unit

80. The head of the conduct and discipline team of UNMIS has taken up her post and recruitment of the rest of the team is under way. The Office of the Chief of Staff, as the interim focal point for conduct and discipline issues, has now handed over all related functions to the Mission's conduct and discipline unit. The Office of Internal Oversight Services has been strengthened and currently has three resident investigators. Two additional investigators are expected to join the Mission shortly.

Status-of-forces agreement

81. I am pleased that the status-of-forces agreement for UNMIS was finally signed with the Government of the Sudan on 28 December 2005. It gives the Mission a much firmer footing for its operations, based on an agreed understanding with the Government. Weekly meetings between UNMIS and the Ministry of Foreign Affairs continue and provide the opportunity to discuss various implementation issues related to the agreement. The Ministry of Foreign Affairs is undertaking considerable efforts to resolve pending issues with other pillars of the Government.

82. The status-of-forces agreement clearly provides for the extension of its provisions to the United Nations funds, programmes and offices operating in the Sudan when they are performing functions related to UNMIS. Under the integrated mission structure provided for by Security Council resolution 1590 (2005), all their functions are considered to be related to UNMIS. The provisions relating to freedom of movement are particularly important for the effective operation of United Nations entities. I am concerned that United Nations military observers have continued to face restrictions on their freedom of movement in the Abyei area after the signing of the status-of-forces agreement.

83. Pursuant to paragraph 8 of Security Council resolution 1590 (2005), a memorandum of understanding with Uganda for the free, unhindered and expeditious movement of UNMIS personnel and equipment to the Sudan was finalized on 27 January 2006. The memorandum of understanding concerning UNMIS activities in Kenya has not yet been finalized.

Civilian staffing

84. As at 4 March 2006, the Mission had on board 616 international staff, 1,165 national staff and 90 United Nations Volunteers.

Financial aspects

85. The General Assembly, by its resolution 60/122 of 8 December 2005, appropriated the amount of $969,468,800, equivalent to $80,789,100 per month, for UNMIS for the period from 1 July 2005 to 30 June 2006. Should the Security Council decide to extend the mandate of UNMIS beyond 24 March 2006, the cost of

maintaining the Mission until 30 June 2006 would be limited to the amounts approved by the Assembly.

86. As at 31 December 2005, unpaid assessed contributions to the Special Account for UNMIS amounted to $522 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,918.8 million.

IV. Observations

87. Since the signing of the Comprehensive Peace Agreement in January 2005, the parties have taken a number of important steps in the implementation process. However, as implementation enters its second year, I believe that there is cause for concern. The process is falling short of expectations on a number of fronts. Of particular concern is that the institutions of the Comprehensive Peace Agreement designed to offer a political forum to consider and resolve differences over implementation have not yet begun to be used effectively by the parties.

88. In particular, since the National Petroleum Commission is not fully functional, there is a lack of transparency in the sharing of oil revenues with the Government of Southern Sudan. This in turn is seriously complicating relations between SPLM and NCP and eroding confidence in the Comprehensive Peace Agreement for many southern Sudanese. The National Petroleum Commission must work independently and transparently and must meet regularly to review contracts and to ensure that the petroleum sector is managed properly.

89. Similarly, the National Constitutional Review Commission, which was circumvented during the creation of several bodies, was recently re-established by presidential decree, but its mandate, as stipulated in the Comprehensive Peace Agreement, was not included in the decree. It is of the utmost importance that commissions be established and allowed to function with the necessary independence and efficiency. The Comprehensive Peace Agreement will be greatly undermined if it is divorced from the rule of law and if the requirements of due process, independence of the judiciary and separation of powers are not respected.

90. Owing to the prolonged delay in making the Ceasefire Political Commission operational, a number of issues that require political decisions have built up at the level of the Ceasefire Joint Military Committee, a situation which is jeopardizing its effectiveness. Now that the Ceasefire Political Commission has held its first meeting (23 February), it should start addressing the important issues submitted for its consideration by the Ceasefire Joint Military Committee.

91. Other security arrangements, such as the formation of the Other Armed Groups Collaborative Committee and the Joint Integrated Units, are still proceeding too slowly. Any further delay in the formation of the Joint Integrated Units may seriously weaken the capacity of the Sudanese parties to prevent or address potential conflicts on the ground in a timely manner, some of which are arising from the lack of control over other armed groups. These issues are critical to the sustainability of peace in the Sudan.

92. Another important and sensitive issue is the controversy surrounding the future status of Abyei. This uncertainty has created a tense situation on the ground, making it difficult for reconstruction and development projects to be carried out in the area. The decision of the Abyei Boundaries Commission must be implemented in a

responsible manner, with full respect for the rights of the peoples involved. Lack of action on Abyei is also undermining confidence for the peaceful resolution of other contentious issues, such as the status of Khartoum as either national capital or northern state.

93. The crisis in Darfur is having a direct and negative effect on the timely implementation of the Comprehensive Peace Agreement. Efforts to negotiate an end to the conflict are putting considerable pressure on the relationship between the partners in the Government of National Unity. It is essential that all parties in Darfur seriously engage in finding a swift and durable political solution to the conflict in order to avoid the prolonged suffering of civilian populations and to ensure that the region does not further slip into chaos. It will also be critical for the Governments of the Sudan and Chad to address in good faith the tensions that have risen between them and to prevent further violence occurring in border areas between the two countries. Urgent and specific steps are required to de-escalate a dangerous situation. I would also like once again to commend AU and AMIS for their critical work in Darfur.

94. In eastern Sudan, a problem that seemed manageable only a few months ago has been complicated because the concerned parties did not make negotiations a priority. The imminent redeployment of SPLA from Hameshkoreib makes it imperative that direct talks between the Government of National Unity and the Eastern Front be initiated as soon as possible and that an agreement be rapidly concluded to ensure peace and stability and allow for humanitarian and development activities in the area.

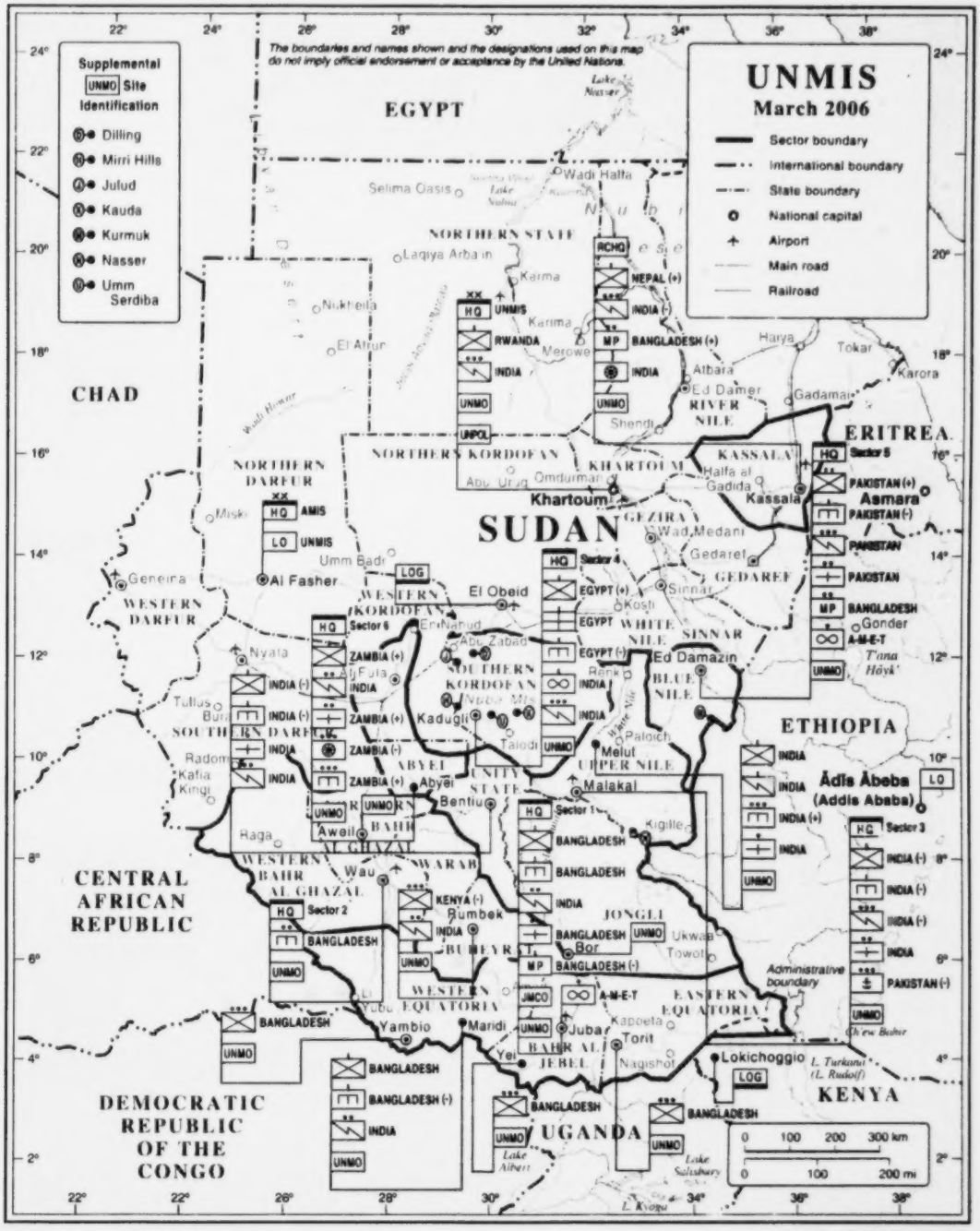
95. Making unity attractive for the people of southern Sudan will remain one of the greatest challenges of the interim period. To move forward, the partners in the Government of National Unity need to engage each other, confront difficulties and differences together through the Comprehensive Peace Agreement institutions, negotiate in good faith and make the necessary compromises in the interest of the shared principles enshrined in the Comprehensive Peace Agreement and the Interim National Constitution. I urge the parties to refocus on and accelerate the implementation process without further delay, with a view to consolidating the peace so that the people whose lives were adversely affected by conflict for so long can start to enjoy the benefits of stability and development.

96. The United Nations is working hard to use the resources at its disposal to support the implementation of the Comprehensive Peace Agreement and to ensure that the process remains on course, in spite of the many and complex challenges ahead. The United Nations remains totally committed to the implementation of peace in the Sudan. I have therefore been troubled recently by a growing anti-United Nations campaign in Khartoum and other Sudanese cities, as well as personal attacks on the leadership of UNMIS, including through elements of the press. These attacks, some of which contain entirely unacceptable and dangerous language, must cease. I call upon all political, military and civil elements of Sudanese society to work with the United Nations, which has been invited into the country by the governing authorities, to help achieve peace and prosperity for all Sudanese.

97. As I have stated in my previous reports, there is much to be done, and there is a role to be played by the entire international community. It is important that more resources are made available by the international community in a coordinated and timely manner, in particular for demining, the return of refugees and displaced

persons, reconstruction, development and institution-building in the areas in the Sudan that were most affected by the war.

98. Indeed, people's expectations of the peace dividend are high, particularly in southern Sudan. Yet, in 2005, they have seen very little improvement in their living conditions. Many people have returned to their home areas in the south. However, no basic infrastructure or social services have been established to receive them. Returnees are also facing major security problems due to the suspected mining of roads. It is crucial for bilateral and multilateral donors, including the United Nations, to start programming more resources for reconstruction, capacity-building and poverty eradication. The dividends of peace must be made visible to the Sudanese population as an essential part of successfully implementing the Comprehensive Peace Agreement. The United Nations will pursue its efforts, in collaboration with the Government of National Unity and the Government of Southern Sudan, to help turn as many of the people's expectations as possible into reality.



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Letter dated 14 March 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the third report of the International Independent Investigation Commission, which was prepared pursuant to Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005).

The report details progress made in implementing the Commission's mandate as described in Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005) since the issuance of its last report on 10 December 2005 (S/2005/775). The third report outlines the status and progress of the investigation into the killing of former Lebanese Prime Minister Rafik Hariri and 22 others and highlights the progress made in consolidating the Commission's organizational structure and resources in the light of its both expanded and extended mandate. The consolidation provides critical continuity to the core work of the Commission and affords necessary technical assistance to the Lebanese authorities with regard to the investigation of the terrorist attacks perpetrated in Lebanon since 1 October 2004.

I wish to thank the staff of the Commission for their excellent work in extremely difficult circumstances. In particular, I wish to thank Serge Brammertz for his leadership in advancing the investigation and providing continuity in the Commission's work.

I should be grateful if you would bring this matter to the attention of the members of the Security Council. Meanwhile, I am transmitting the report to the Government of Lebanon.

(*Signed*) Kofi A. **Annan**

06-27040 (E) 150306

Third report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005)

Serge Brammertz
Commissioner

Beirut
14 March 2006

Summary

The Security Council requested the International Independent Investigation Commission to report to the Council on the progress of the inquiry, including on the cooperation received from the Syrian authorities, every three months from the adoption of resolution 1644 (2005) of 15 December 2005.

The third report details the status and progress of the investigation into the killing of former Lebanese Prime Minister Rafik Hariri and 22 others, and highlights the progress made in consolidating the Commission's organizational structure and resources in the light of its both expanded and extended mandate. The consolidation provides critical continuity to the core work of the Commission following the appointment of the new Commissioner, and allows it to afford necessary technical assistance to the Lebanese authorities with regard to the investigation of the terrorist attacks perpetrated in Lebanon since 1 October 2004, as requested by the Council in its resolution 1644 (2005).

In the critical area of cooperation with the Syrian Arab Republic, a common understanding has been reached on the operational modalities in such areas as the applicable legal framework, access to individuals, sites and information, and communications with the Government.

The report presents a number of conclusions in regard to the investigation of the assassination of Prime Minister Hariri, and the capacity of the Lebanese authorities to conduct their investigations into, at present, 14 other cases of assassination attempts, assassinations and explosions perpetrated in Lebanon since 1 October 2004.

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I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1644 (2005) of 15 December 2005, in which the Council requested the United Nations International Independent Investigation Commission to report to the Council on the progress of the inquiry every three months, including on the cooperation received from the authorities of the Syrian Arab Republic. It covers the progress made in implementing the Commission's mandate as laid out in Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005) since its previous report, dated 10 December 2005 (S/2005/775).

2. The third report details the status and progress of the investigation into the killing of former Lebanese Prime Minister Rafik Hariri and 22 others ("the Hariri investigation"), and highlights the progress made in consolidating the Commission's organizational structure and resources in the light of its both expanded and extended mandate. The consolidation provides critical continuity to the core work of the Commission, and allows it to afford necessary technical assistance to the Lebanese authorities with regard to the investigation of the terrorist attacks perpetrated in Lebanon since 1 October 2004, as requested by the Council in its resolution 1644 (2005).

3. The Commission's work has entered into a new phase, commensurate with the natural progression of any criminal investigation. It is developing a deeper understanding of the structural and political environment in which the crimes took place, an enhanced capacity to pursue new lines of inquiry, and a methodological approach to ascertain the reliability of information obtained, corroborate new evidence and findings, and, where appropriate, review initial leads and working assumptions.

4. In this phase, it remains critical for the success of the Commission's work to ensure the application of recognized standards of international and Lebanese law. The Commission is conscious of the fact that only a credible investigative process will be able to assist and guide the Lebanese authorities in their own investigations, and provide an accepted basis for the establishment of a tribunal, possibly of an international character, as requested by the Prime Minister of Lebanon in his letter to the Secretary-General dated 13 December 2005 (S/2005/783, annex), and reflected in resolution 1644 (2005). In anticipation of the latter, the Commission has enhanced the identification, planning, implementation and management of various support systems commensurate with cases of this complex nature.

5. While conscious of the high level of expectations surrounding its work, the Commission is encouraged by the Lebanese authorities' recognition of the need for a systematic and methodological approach to the investigation. This includes the application of internationally accepted investigative and legal standards and an awareness of the timescale realities required to pursue the investigations successfully, as already concluded by the Commission in its previous reports.

6. The investigation of the blast that killed former Prime Minister Hariri and 22 other victims has advanced further. Based on a systematic evaluation of available but previously not tracked forensic evidence, the Commission has moved closer to establishing the exact circumstances and modus operandi of the blast. This will provide a critical link in the chain of evidence needed to identify and hold accountable those who are perpetrators, sponsors, organizers and accomplices of the

crime. The Commission, however, does not deem it appropriate, at this stage, to disclose further details of its work as this may unnecessarily threaten the security of witnesses, compromise the collection of future evidence and undermine the outcome of the investigation as a whole. The Prosecutor General of Lebanon agrees with this approach.

7. The Commission has continued to share, on a regular basis, information and results of the Commission's investigative efforts with the relevant Lebanese authorities and has broadened its dialogue with law enforcement and the judicial authorities to identify areas in which the Commission can best assist the Lebanese efforts.

8. Moreover, since receiving authorization by the Security Council in its resolution 1644 (2005), the Commission has directed part of its capacity to the task of extending technical assistance to the Lebanese authorities with regard to the investigations of the assassination attempts, assassinations, and explosions perpetrated in Lebanon since 1 October 2004. This has involved the provision of legal, forensic and analytical expertise and cooperation to the Lebanese authorities in their investigation of, at present, 14 cases.

9. International cooperation remains key to successfully discharging the Commission's mandate. To that end, progress has been made in the critical area of cooperation with the Syrian Arab Republic. In view of the difficulties encountered by the Commission in the past in accommodating its requests for cooperation, the Commission held two high-level meetings, in Damascus and in Beirut, with senior Syrian Government officials. A common understanding has been reached on the operational modalities in such areas as access to individuals, sites and information, witness/suspect interviews, the applicable legal framework and communications with the Government. This understanding will be tested in the upcoming months.

10. In this context, the Commission has reaffirmed the legal framework of its operations and activities, which is principally formed by the body of relevant Security Council resolutions, most notably resolutions 1595 (2005), 1636 (2005), and 1644 (2005) and the recognized standards of international criminal law, taking into account Lebanese and other national law where consistent with these standards.

11. During the reporting period, the Commission was also required to direct considerable time and effort at the consolidation of its internal structure and capacity. Uncertainties surrounding the actual length of the Commission's mandate had led to the gradual departure of significant numbers of key staff, primarily investigators, and posed a challenge to the incoming Commissioner's endeavours to ensure continuity and a seamless transition. The Commission reviewed its entire staffing table, developed a new budget and appropriate job descriptions, and recruited a number of new staff members, in part by approaching international judicial/law enforcement institutions as well as Member States.

12. All staff members presently employed are equipped with the skills, qualifications, and experience needed to conduct complex terrorism investigations and international criminal law enforcement activities. Reconciling the focus on staff security with the need to maintain staff morale and the high levels of commitment and professionalism in a volatile and restrictive environment continues to be a priority for the Commission's senior management.

II. Progress in the investigation

A. Support mechanisms

13. During the reporting period, the Commission introduced a number of essential support mechanisms (for more detail, see chap. V below) to further strengthen the investigation process, including an operational analysis capacity; a legal advisory and analysis capacity; forensic coordination and analysis capacity; an information systems management capacity commensurate with the complexity of the case; standard operating procedures for investigative work such as interviews of witnesses and suspects; minimum legal and operational standards for interpreters and translators; the procurement of electronic analysis tools and case management software; specialist skills, such as anti-terrorism expertise, as and when required; and a rolling recruitment process to provide continuity and depth to the investigation effort. These core functions within the investigative process are crucial to conduct complex patterns analysis, manage extensive amounts of communications data and identify linkages.

B. Methodology

14. In pursuing the investigation into the assassination of former Prime Minister Hariri and 21 other named victims,[1] the Commission, since January 2006, has been following a three-pronged approach: (a) review of collected information and evidence; (b) analysis of existing information and evidence; and (c) pursuit of selected existing or identified new lines of inquiry. While shifting in their relative emphasis, all three core objectives are being advanced, simultaneously, to ensure balanced strategic direction and continued forward momentum.

15. First, the Commission undertook a review of all intelligence, information and evidence collected since the inception of its work in June 2005. The review has included an assessment of the manner and rationale for the collection of this large volume of material as well as an evaluation of the evidentiary standard and legal thresholds applied. All key collection categories (i.e., crime scene, execution of the assassination operation, linkages to alleged perpetrators, perpetrator involvement and target identification) have been subjected to this process. This review has been nearly completed.

16. Secondly, the Commission has established a multidisciplinary investigative capacity to analyse and review existing and new intelligence, information and evidence, in order to assess its value for the development of the case. Such capacity is essential to effective investigative work and to assess any modifications in the case direction.

17. Third, the Commission continues to pursue selected existing lines and newly identified lines of inquiry while ensuring the application of minimum international

[1] Zahi Abou-Rjeyleh, Yehya Al-Arab, Mohammed Al-Ghalayini, Abdul Hamid Al-Ghalayini, Mahmoud Saleh Al-Khalaf, Sobhi Al-Khodr, Omar Al-Masri, Mahmoud Hamad Al-Mohammad, Joseph Aoun, Alaa Asfour, Rima Bazzi, Abdu Bou-Farah, Mazen Dahabi, Yamama Damen, Mohammed Darweesh, Bassel Fouleyhan, Rawad Haydar, Farhan Issa, Talal Nasser, Haytham Ousman and Ziad Tarraf. An unidentified body was also found.

operating and legal standards, at all times, in anticipation of a possible future judicial process.

18. Following the above-mentioned review of the existing sources, a decision has been taken to discontinue some of the previously identified leads, and to corroborate and ascertain the specific utility of some others to the case.

C. Current status of the investigation

1. Circumstances of the blast

Nature of the impact

19. The Commission has moved closer to establishing a unifying theory of the exact circumstances of the blast that killed Mr. Hariri, 21 other named victims and a single unidentified person, possibly one of the perpetrators. It has evaluated comprehensive supporting evidence, including forensic findings of how the crime was perpetrated and on the nature of the blast/s. It has also further examined the possibility of an above ground, underground or combination impact. Engaging the services of terrorism experts was of great help to the Commission and has produced valuable new insights into the means and methods used by the perpetrators on the day of the crime.

20. Since the beginning of the Commission's work, there have been numerous forensic reports, varying both in their terms of reference and the specificity of tasks undertaken. Over the past few weeks, all of these reports have been subjected to a comparative forensic analysis aimed at establishing areas of commonality or contradiction, gaps in their terms of reference and the quality of forensic collection. This analysis was necessary to satisfy the minimum standards required of any future legal process, as well as to enable the investigation to discard certain theories while testing and scrutinizing other theories.

21. As a result, further forensic study of the crime scene will be carried out, including the examination of surrounding areas, types and origin of the explosives,[2] conducting important DNA analysis as well as a thorough examination of the damaged vehicles.

22. *Forensic examination of the crime scene.* It is likely that fragments from relevant vehicles are still at the crime scene. Thus, even after the crime scene is designated as "clean" of forensic evidence and handed over to the Lebanese authorities for redevelopment, the Commission will continue to provide forensic coverage for the blast affected area, in case any other forensic-related evidence is found.

23. *DNA examination.* The Commission deems it necessary to establish the ethnic and regional origin of the single unidentified person whose human remains have been found at the crime scene and to complete an inventory of DNA samples that have been collected and analysed to date. Also, parts of the driving compartment of the Mitsubishi truck have been collected and will be tested for explosives residues, DNA and/or fingerprints. They will, thus, be submitted for forensic examination and comparative analysis.

[2] See S/2005/775, para. 40.

24. *Inventory of forensic exhibits*. A complete inventory of all forensic exhibits is being established to record essential data, including the type of exhibit, picture, date and origin of collection, identity of the examining person and actual location.

25. *Exact time of blast/s*. The time of occurrence given by the report of the initial fact-finding commission (S/2005/203), namely 1256:26 hours, and by the National Centre for Geophysical Research in Lebanon, namely 1255:05 hours, differ. It is crucial to establish the reasons for a time difference of apparently 1 minute and 21 seconds and then to determine the exact time of the blast/s, in order to integrate other forms of evidence concerning the implementation and mechanical aspects of the operation.

26. *Videotape analysis*. Further forensic and media-technical examination is required of the videotape of Ahmad Abu Addas[3] and its packaging, e.g., DNA, fingerprints, videotape analysis.

27. *Seismologic analysis*. While the seismologic analysis has been conducted by specialists in natural seismology, it is necessary to complement this with an analysis by specialists in artificial seismology to determine the properties of the explosion.

Properties of the blast/s

28. While there still remains contradictory information on whether the blast/s occurred underground or above ground (as well as on the immediate events surrounding the attack), the Commission is pursuing promising lines of inquiry and achieving clarity in this respect. It has prioritized its evaluation of possible road works occurring in the vicinity of the explosion prior to the detonation.[4]

Mitsubishi truck

29. In its second report,[5] the Commission discussed the line of inquiry surrounding a stolen Mitsubishi truck. This remains an ongoing initiative, with significant DNA analysis being scheduled and further information being sought as to the vehicle's origins and movements prior to the blast/s. It was stated that further investigation was required into an allegation that a Mitsubishi truck was seen in a camp in Zabadane, Syrian Arab Republic, shortly before the explosion.[6] This allegation needs to be further corroborated and remains an ongoing line of inquiry in the context of the evaluation of the information provider.

HSBC bank footage

30. The Commission noted in its previous report that certain individuals present at the crime scene and captured in the HSBC bank's closed circuit television footage had been acting suspiciously, and that further interviews would be required.[7] This line of inquiry remains open. Additional analysis of the HSBC footage is ongoing to support new lines of inquiry, in particular concerning the modus operandi of the perpetrators.

[3] See S/2005/662, para. 77, S/2005/775, para. 59.
[4] See S/2005/775, para. 43.
[5] Ibid., para. 42.
[6] Ibid., para. 73.
[7] Ibid., para. 44.

Modus operandi for the attack

31. There still remains no single unifying theory with comprehensive supporting evidence of how the execution of the operation was implemented. However, the Commission is closer to a more complete understanding of how the preparatory work was undertaken, how those who participated on the day performed their respective tasks, what those tasks were before, during and after the attack and of the overall modus operandi employed by the perpetrators for the attack.

32. Four investigative measures contribute to this understanding: (a) the collection of witness and victim testimony; (b) forensic investigation; (c) expertise in the means and methods assessments; and (d) overlaid application of analysis of communications patterns, both on the day of and in the lead-up to the crime. The latter aspect is being evaluated for authenticity and reliability. While the Commission has obtained significant results in this area over the past two months, it would not be appropriate to disclose any specific information at this stage of the investigation.

33. On a more general note, it has become clear that the means and methods of such a terrorist operation are more complex in their preparatory and planning stage, and simpler in their execution. The individuals who perpetrated this crime appear to be very "professional" in their approach, as they planned to a high percentage the likelihood for success and conducted the operation with high standards of individual and collective self-discipline. It must be assumed that at least some of those involved were likely experienced in this type of terrorist activity.

Other previously identified leads

34. In its second report, the Commission suggested that further investigation into the mooted delay of Mr. Hariri's motorcade[8] and into the apparent interference with telecommunications on 14 February 2005[8] would be undertaken, and that the origins of a call to Al-Jazeera[8] be further investigated. The first two topics have been largely dealt with by the Commission, and it has satisfied itself as to the findings and their relevance. The third topic remains under consideration, and the Commission is actively engaged in clarifying and developing the issue.

2. Those who committed the crime on the ground

35. The identification of the actual "on the ground" perpetrators of the crime on the day is an ongoing aspect of the investigation. The Commission believes it is inappropriate to comment extensively on this facet of its inquiry, but can state that it has made progress in the investigation and proactively continues to pursue its work into this component of the case.

3. Those who enabled the crime

36. The Commission believes that there is a layer of perpetrators between those who initially commissioned the crime and the actual perpetrators on the day of the crime, namely those who enabled the crime to occur. Participation in enabling the crime can be tangential or central to its perpetration, and can carry differing levels of criminal liability. Because this area of the investigation promises to be fruitful for

[8] Ibid., para. 73.

the Commission, it is being given priority. While the Commission has identified a number of individuals for interviewing or reinterviewing, as well as other forms of evidence for review, no further details can be disclosed at this stage due to the critical requirement for confidentiality.

37. The Commission is also actively pursuing several lines of enquiry identified in its previous reports. For example, the role of the *Al Ahbash* organization,[9] and members thereof, is still being evaluated for its relevance to the investigation. Likewise, the Commission's earlier suggestion to restore military intelligence archives for its review[10] remains an ongoing line of investigative inquiry. The Commission also continues to investigate and evaluate the extent to which certain intercepted telephone conversations referred to previously[11] provide any insight into the scope of involvement of key individuals in the assassination. Further, the reduction of security personnel for Mr. Hariri[8] is currently being evaluated in the context of its relevance and in relative terms of priority with other lines of inquiry. Similarly, the Commission is evaluating the documentation of orders by the Lebanese Internal Security Forces asking to place Mr. Hariri under surveillance.[8]

4. Those who commissioned the crime

38. Owing to the highly complex nature of the sponsoring, support and execution of terrorist activities, it is critical for the Commission to identify and utilize new forms of intelligence and information to establish links between the crime itself and those who enabled or commissioned it. The Commission is proactively pursuing a number of sources that can yield such data.

39. The Commission has also begun conducting a series of interviews aimed at clarifying the existence of an alleged informal oral agreement referred to in its previous report as the "Damascus Protocol".[12]

40. Regarding other previously identified leads, the Commission has evaluated the relevance of issues surrounding the affairs of the bank Al-Madina[13] and concluded that the issue remains a task for further investigation. The second report also mentioned that a fund operated by the former Director of Sûreté Générale was being cross-checked with other lines of inquiry.[14] This remains the case today and continues to be a factor for investigative consideration as and when appropriate.

41. Moreover, the Commission has undertaken a comparative telephone analysis cross-referencing numbers allegedly related to the Hariri assassination and the 14 other attacks.[15] This analysis has been completed as a preliminary exercise, and remains a priority task for further consideration. Similarly, the analysis with regard to a prepaid subscriber identity module (SIM) card user has been completed as a preliminary exercise[16] and remains a priority topic for the investigation.

[9] Ibid., para. 24.
[10] Ibid., para. 50.
[11] Ibid., para. 53
[12] Ibid., para. 56.
[13] Ibid., para. 70.
[14] Ibid., para. 71.
[15] Ibid., para. 66.
[16] Ibid., para. 67.

5. Interaction with the Lebanese authorities

42. In its resolution 1595 (2005), the Security Council requested that the Commission assist the Lebanese authorities in their investigation of all aspects of the 14 February 2005 terrorist act. In order to enable the Commission to discharge its duties, the Council stated that the Commission should enjoy the "full cooperation of the Lebanese authorities, including full access to all documentary, testimonial and physical information and evidence in their possession". In addition, the Council gave the Commission the authority to "collect any additional information and evidence", in particular to interview witnesses. The framework set out by the Security Council has been further refined in a memorandum of understanding of 13 June 2005 between the United Nations and the Government of Lebanon.[17]

43. The interaction between the Commission and the Lebanese authorities is the centrepiece of this novel joint national and international effort to identify the perpetrators, sponsors, organizers and accomplices of the terrorist attack of 14 February 2005. The Commission would like to commend the commitment displayed in this respect by the Prosecutor General of Lebanon and his office and the investigating judge in this case. Close coordination and effective interaction will become even more essential as and when the investigation is nearing its completion and the results of both the Commission's work and the Lebanese investigation will be used in a court of law.

Information-sharing and coordination

44. Numerous coordination meetings were held in recent months and case-related information has been shared, including witnesses and suspect statements. For instance, on 2 March 2006, the Commission received from the Lebanese authorities statements taken by Lebanese Internal Security Forces investigators regarding an important aspect of the investigation. In turn, on 3 March 2006, the Commission transmitted to the competent investigating judge seven binders of documents, including witness/suspect statements. On 8 March, the Commission's and the Lebanese authorities' forensic experts met to discuss the status of various DNA projects related to both the Hariri investigation and that of the 14 other terrorist attacks. Forensic coordination is critical to ensure that these 14 cases are being investigated adequately from a forensic perspective, both individually and horizontally.

45. These initiatives have already contributed towards strengthening the investigative capabilities and confidence of the Lebanese judicial and law enforcement agencies. It must be recalled that the Commission is primarily assisting the Lebanese authorities in their investigation. Hence, it must be ensured that all relevant information be shared with the Lebanese authorities in a timely fashion to enable the Lebanese judiciary to discharge its functions adequately. The Commission will thus, as a matter of policy, accompany any witness/suspect statements shared with the Lebanese authorities with its own assessment of the actual evidentiary value of the information provided.

46. Among the issues still to be clarified with the Lebanese authorities is that of information obtained from sensitive sources. Naturally, the Prosecutor General

[17] See S/2005/662, para. 5.

would like to have access to all information obtained from sensitive sources relevant to the ongoing investigation.

47. However, sensitive sources and potential witnesses who appear to possess credible information relevant to the investigation have on occasion conditioned their cooperation with the Commission upon the premise that their information will not be divulged to the Lebanese authorities. The Commission aims at finding a practical case-by-case solution to this issue that would allow for the testing of integrity and reliability of sources or potential witnesses. The ability of the Commission and the Lebanese authorities to keep and attract further potential insider witnesses will depend on the ability to protect them. A first meeting has taken place between the Prosecutor General's office and the Commission to begin discussions on the application of witness protection support programmes within the context of the national Lebanese judicial system, and possibly a tribunal of an international character. The discussions covered the full range of measures and procedures commonly associated with such programmes.

Suspects and arrests

48. In the course of the ongoing investigation into the attack of 14 February 2005, and in order to preserve their procedural rights, several individuals have been interrogated as suspects by the Lebanese judiciary and the Commission.[18] In total 14 suspects were arrested by the Lebanese and, in one case,[19] by the French authorities, some following a recommendation by the Commission.[20] To date, 10 individuals are still held in custody in connection with the Hariri investigation.

49. All these individuals are suspected of having committed crimes under the Lebanese Penal Code, the Weapons and Ammunitions Law, and the so-called Law dated 11 January 1958. The suspects can be grouped into three categories: (a) persons suspected of instigating and participating in the planning and execution of the crime, based on articles 270, 271, 314, 549 and 549/201 of the Penal Code, articles 2, 4, 5 and 6 of the Law dated 11 January 1958, and articles 72 and 76 of the Weapons and Ammunitions Law; (b) individuals suspected of withholding information concerning a crime committed against state security, forgery, or fraudulent use of personal documents, based on articles 398, 471 and 471/454 of the Penal Code, articles 2, 4, 5 and 6 of the Law dated 11 January 1958, and articles 72 and 76 of the Weapons and Ammunitions Law; and (c) individuals suspected of making false testimony, based on article 408 of the Penal Code.

III. Technical assistance in 14 other cases

50. In its resolution 1644 (2005), the Security Council authorized the Commission, following the request of the Government of Lebanon, to extend its technical assistance as appropriate to the Lebanese authorities with regard to their investigations of the terrorist attacks perpetrated in Lebanon since 1 October 2004, that is, the assassination attempts and assassinations and explosions that took place in Lebanon starting with the attack on Minister and Member of the Lebanese

[18] See S/2005/775, paras. 18 and 21.
[19] Ibid., para. 27
[20] See S/2005/662, para. 174.

Parliament Marwane Hamadeh on 1 October 2004.[21] The Council requested the Secretary-General, in consultations with the Commission and the Government of Lebanon, to present recommendations on whether to expand the mandate of the Commission to include investigations of those other attacks.

A. Progress in providing technical assistance

51. The Commission has offered assistance in seven substantive areas: crime analysis; legal analysis; forensic analysis and investigation; identification of next investigative steps, gaps and areas of strength; horizontal inter-case crime analysis; identification of any linkages of the 14 cases to the Hariri investigation; and identification of areas for future investigative capacity-building measures. Mindful of the Commission's continuing operational focus on the Hariri investigation, the provision of such assistance takes place on a case-by-case basis and is governed significantly by the amount of resources available to the Commission for these tasks. More detailed technical assistance may become necessary should preliminary assessments indicate potential linkages between the 14 cases or with the Hariri investigation.

52. The Commission met with the Prosecutor General of Lebanon on 1 February 2006 to discuss the modalities of the requested technical assistance to the Lebanese authorities. Based on a series of additional individual meetings with the relevant military and investigating judges in charge of these cases, the Commission developed an action plan. On 6 February, the Commissioner and the Prosecutor General, joined by the investigating judges, agreed on the modalities of their cooperation with respect to the investigation of those terrorist attacks perpetrated since 1 October 2004.

53. Between 8 and 24 February 2006, the Commission held 14 meetings with eight investigating judges responsible for the cases. The objective of the meetings was to understand the facts and merits of each individual case; to assess the status and progress of the investigation; to discuss any problems encountered during the investigations; and to hear the investigating judges' views on means to manage the investigative issues. Based on these meetings and additional documentation provided, the Commission conducted individual case analyses and established the respective requirements of each case in terms of technical assistance to be provided by the Commission.

54. In addition, the Commission visited the crime scenes of seven attacks for preliminary orientation and assessment purposes. It held meetings on 24 February 2006 with the Chief of the Explosives Department of the Scientific Police Division of the Lebanese Internal Security Forces and the Chief of the Explosives Ordinance Devices Unit (Engineer Battalion). A meeting was held with the Prosecutor General's office to discuss witness management and protection services, particularly in the light of the possible creation of a tribunal of an international character. The Commissioner also had a working meeting with the management of the Lebanese Internal Security Forces forensic laboratory to discuss the need for further support to establish adequate technical capabilities.

[21] See letter dated 13 December 2005 addressed to the Secretary-General from the Prime Minister of Lebanon (S/2005/783).

B. Attacks perpetrated in Lebanon since 1 October 2004

55. Following is an overview of the 14 cases in chronological order.

Number	*Date*	*Type of explosion*	*Area*	*Victims*
1	1 October 2004	Car bomb	Dar El-Mraisseh locality, California Street, Beirut	Marwane Hamadeh and driver wounded, bodyguard killed
2	19 March 2005	Bomb	New-Jdeidh, northern suburb of Beirut	11 persons wounded and serious material damage to buildings and cars
3	23 March 2005	Bomb	Altavista shopping centre, Kas'ik, north of Beirut	3 persons killed, 7 persons wounded and serious material damage to buildings and cars
4	26 March 2005	Bomb	Sid-El-Bouchria, north-east of Beirut	6 persons wounded and serious material damage to buildings and cars
5	1 April 2005	Bomb	Plaza shopping centre, Broumana, east of Beirut	9 persons wounded and serious material damage to buildings and cars
6	6 May 2005	Bomb	"Voice of Charity" radio station, Jounieh, north of Beirut	11 persons wounded and serious material damage to buildings and cars
7	2 June 2005	Victim's car	Ashrafieh locality, Beirut	Samir Kassir killed
8	21 June 2005	Victim's car	Wata Msaytbeh, Boustany Street, Beirut	George Hawi killed
9	12 July 2005	Car bomb	Naccache area, Beirut	Elias El-Murr and 2 other persons wounded and 1 person killed
10	22 July 2005	Bomb	Monot Street, Ashrafieh locality, Beirut	13 persons wounded and serious material damage to buildings and cars
11	22 August 2005	Bomb	Zalka locality, near Promenade Hotel, north of Beirut	11 persons wounded and serious material damage to buildings and cars
12	16 September 2005	Bomb	Naoum Libki Street, Ashrafieh locality, Beirut	1 person killed and 10 persons wounded and serious material damage to buildings and cars
13	25 September 2005	Victim's car	Ghadir locality, suburb of Beirut	May Chidiac seriously wounded
14	12 December 2005	Car bomb	Mkalles, north of Beirut	Gebran Tueni and 2 other persons killed

56. *Hamadeh case*. At around 0905 hours on Friday, 1 October 2004, a car exploded when Minister Marwane Hamadeh was driving on California Street, in the locality of Dar El-Mraisseh, Beirut. The explosion caused the immediate death of his security escort. Mr. Hamadeh and his driver sustained serious injuries.

57. *New-Jdeidh case*. At around 0030 hours on Sunday, 19 March 2005, an explosion took place at the locality of New-Jdeidh, a residential area north of Beirut. The bomb was placed close to a pillar of a building near a parked car. As a result of the blast, 11 persons were injured, 38 cars were damaged and the building sustained significant damage.

58. *Kaslik case*. At around 0045 hours on Wednesday, 23 March 2005, an explosion took place in the Altavista tower, a commercial centre, in Kaslik, north of Beirut. The area is known to be very crowded during the day but quiet, except for guards, at night. The blast caused the death of one guard and two of his friends and seven persons were slightly injured. The blast caused significant material damage.

59. *Bouchria case*. At 2125 hours on Sunday, 26 March 2005, an explosion took place at the locality of Sid-El-Bouchria, an industrial area with only carpentry and mechanics enterprises in the north-east of Beirut. The location of the explosion is about one kilometre distance from the location of the bomb explosion that occurred on 19 March 2005 (New-Jdeidh case). The bomb was placed behind a car and near a concrete pillar. The blast caused serious material damage to cars and buildings. A number of persons were wounded, sustaining minor injuries.

60. *Broumana case*. At around 2145 hours on Friday, 1 April 2005, an explosion took place in a commercial mall called "Plaza centre" in Broumana, east of Beirut. The bomb was placed close to a concrete pillar located near the door of the parking area. At that hour the commercial centre was closed. The blast damaged many shops and offices; nine persons were slightly injured.

61. *Jounieh case*. At around 2100 hours on Friday, 6 May 2005, an explosion took place at Central Street in Jounieh, near the building of the "Voice of Charity" radio station. The bomb was placed close to a concrete pillar of the building where the radio station offices are located. At that hour offices and shops were closed. After the blast, the radio stopped broadcasting for a few days. The blast caused destruction of at least two buildings. Several other buildings and cars were seriously damaged and 11 persons were injured.

62. *Samir Kassir case*. At around 1045 hours on Friday, 2 June 2005, an explosion took place in a small lane in Ashrafieh district, Beirut. The blast targeted the car of Samir Kassir, a prominent journalist. The car had been parked the night before, at around midnight, in front of Mr. Kassir's residence. The bomb exploded when Mr. Kassir sat down on the driver seat. He died as a result of the blast.

63. *George Hawi case*. At around 0950 hours, on Tuesday, 21 June 2005, an explosion took place near a gas station on Boustany Street in the locality of Wata Msaytbeh, in Beirut. The explosive charge targeted the car of George Hawi, a former leader of the Lebanese Communist Party. The car had been parked on the night of 20 June 2005. On 21 June 2005, Mr. Hawi left his house and sat in the front seat beside the driver. It was known that Mr. Hawi left his house at almost the same time everyday. The driver started the engine, drove off, and after several hundred metres the explosion occurred, killing Mr. Hawi and slightly injuring his driver.

64. *Elias El-Murr case.* At around 0945 hours on Tuesday, 12 July 2005, the former Minister of Interior, and current Minister of Defence, Elias El-Murr, left his house using his car to go to his office in Beirut. He was accompanied by two other persons and drove the car himself. In the Naccache area, they passed a parked car which exploded at around 1018 hours. A person who happened to pass by in his car was killed. Mr. El-Murr and his two companions were seriously injured in the explosion, which also caused serious material damage.

65. *Ashrafieh-Monot Street case.* At around 2145 hours on Friday, 22 July 2005, an explosion took place in the Ashrafieh-Monot area in Beirut. The site of the explosion is an open road leading to Monot Street. The bomb was placed near an abandoned house, between a wall and a car. The blast slightly injured 13 persons and caused damage to cars that were parked on both sides of the road.

66. *Zalka case.* At around 2200 hours on Monday, 22 August 2005, an explosion took place in an auxiliary road at Zalka, a commercial area located north of Beirut. The bomb was placed on the roof of a garage. The blast slightly injured 11 persons and partially damaged some cars.

67. *Ashrafieh-Naoum Libki Street case.* At around 2345 hours on Friday, 16 September 2005, an explosion took place in Naoum Libki Street in Ashrafieh, Beirut. The street has only residential buildings. The explosion caused the death of 1 person, slightly injured 10 persons and caused serious material damage.

68. *May Chidiac case.* At around 1740 hours on Sunday, 25 September 2005, in the Ghadir area, a bomb seriously wounded May Chidiac, a prominent journalist, as she had just entered the car. The car was parked in front of a friend's house and the bomb was placed under the driver's seat.

69. *Gebran Tueni case.* At around 0950 hours on Monday, 12 December 2005, in the Mkalles area, an explosion took place causing the death of Gebran Tueni, his driver, and a security escort. Mr. Tueni, a Member of Parliament and head of the newspaper *An-Nahar*, had returned the previous day from Paris. Mr. Tueni had left Lebanon after the assassination of Mr. Hariri to reside in France because of threats against his life.

C. Initial comparative review of the 14 other cases

70. An initial comparative review of the available information appears to reveal certain characteristics common to the 14 crimes. For example, the Commission notes that three of these terrorist acts were perpetrated against politicians, using vehicle bombs, three others targeted two journalists and a politician, using booby-trapped vehicles and eight bomb explosions seemingly targeted the urban infrastructure.

Car bomb cases

71. In the car bomb cases, which occurred on Friday, 1 October 2004, Tuesday, 12 July 2005 and Monday, 12 December 2005, the perpetrators targeted three well-known politicians, Marwane Hamadeh, Elias El-Murr and Gebran Tueni. The first is a Druze Muslim while the other two are Christian Orthodox. Mr. Hamadeh is currently the Minister of Communications in Lebanon. Mr. El-Murr is the son-in-law of President Emile Lahoud and currently the Minister of Defence. Mr. Tueni

was the nephew of Mr. Hamadeh and a well-known journalist heading the newspaper *An-Nahar*. Mr. Tueni had run as a candidate in the last elections and won a seat as a Member of Parliament.

72. The car bombs used in these three cases were placed in a Mercedes E300, a Mitsubishi Montero Sport and a Renault Rapid. It is alleged that in the blast targeting Mr. Hamadeh's car, 10 kilograms of TNT were placed between the back seat and the trunk and directed towards the outside; in the other two cases, 40 kilograms of TNT were used as a charge. In all three cases, the detonation was probably triggered by a remote control device. In the case of Mr. Hamadeh, the car bomb was parked at the right side of the road and directly in front of a road bump. In the case of Mr. El-Murr, his car was struck by a car bomb that was placed in a vehicle at the right-hand side of an up-hill road. In the case of Mr. Tueni, the car bomb was parked in an ascending curved road. Following the assassination of Mr. Tueni, a Muslim fundamentalist group, called "The fighters for the unity and freedom of Bilad El-Cham", sent a fax to a newspaper based in London, claiming responsibility for the assassination of both Gebran Tueni and Samir Kassir.

Booby-trapped car cases

73. These three blasts took place on Friday, 2 June, Tuesday, 21 June, and Sunday, 25 September 2005 targeting prominent media figures and a politician in Lebanon, Samir Kassir, Georges Hawi and May Chidiac. The first two were Christian Orthodox, while the third is a Christian Maronite. All three were well known for their criticism against the Syrian presence in Lebanon and had intensified their criticism following the assassination of Mr. Hariri in their articles, television shows and public statements in general.

74. In each case, the location where their cars were parked at the time of the explosion was unguarded. Mr. Kassir and Mr. Hawi had parked their cars, around midnight, the night before the blasts. Ms. Chidiac had parked her car in front of a friend's house. Mr. Kassir and Mr. Hawi died immediately as a result of the blasts, while Ms. Chidiac, protected by the strong frame of her vehicle, survived the explosion but was seriously injured.

75. In the cases of Ms. Chidiac and Mr. Hawi, the bombs were attached to their cars, while in the case of Mr. Kassir, it is still unclear whether the bomb was attached to the car or placed on the ground underneath the car. It is unclear whether Mr. Kassir and Ms. Chidiac had started their cars before the blast, while Mr. Hawi had already travelled several hundred metres, sitting in the passenger seat. In all three cases, the bombs had been located underneath the seat of the targeted persons. It is possible that the perpetrators wanted to harm only the targeted person and not necessarily other passengers in the cars.

Bomb explosion cases

76. Eight bombs exploded between 19 March and 16 September 2005. Four of these blasts took place on Fridays, 1 April, 6 May, 22 July and 16 September 2005. A hypothesis being examined is that the pattern of these blasts, taking into consideration the time of the blast and the choice of the location, could indicate that the perpetrators did not have the intention of carrying out targeted assassinations. Rather, they appear to have intended to damage the infrastructure or spread fear among the public.

77. The neighbourhoods where the blasts occurred are commercial and/or residential and considered to be areas inhabited by Orthodox and Maronite Christians. Ashrafieh, where two blasts occurred, is perceived as a Christian neighbourhood. Five explosions took place between 2100 hours and 2200 hours: in Bouchria, Jounieh, Zalka, Broumana and on Monot Street in Ashrafieh. Some of the locations are known to be crowded during the day but quiet at night and only attended to by guards. The remaining three blasts occurred after 2200 hours: in Naoum Libki Street, Ashrafieh (at 2345 hours), in New-Jdeidh (at 0030 hours) and in Kaslik (at 0045 hours), all three in residential areas. The blasts injured persons and caused significant and serious damage to the surrounding buildings and vehicles. In two blasts, in the Kaslik case and the Ashrafieh-Naoum Libki Street case, it appears from the records of the Lebanese investigations that a total of four persons have died.

78. In these cases, the bomb was placed near locations such as a concrete pillar, an auxiliary road that was quiet and empty, a garage roof or an abandoned house. The charges used for the blasts varied between 8 kilograms and 35 kilograms. In four cases the charge was 25 kilograms. Most of the bombs were put in plastic bags, except for one case, where the bomb was put in a black rucksack or backpack. In all the cases the forensic experts stated that the detonation was triggered either by remote control or a timed device.

79. At this stage, taking into account the qualitative level of the investigations conducted in all 14 cases and of the evidence currently available, it is too early to conclude or even make an assumption that any of the 14 other cases are linked either with each other or with the Hariri case. However, the Commission remains actively engaged in evaluating any information emanating from each of these 14 cases against the backdrop of this hypothesis.

D. Findings emanating from the provision of technical assistance

80. Following is a list of the Commission's main observations during its interactions with the Lebanese judicial and law enforcement institutions. The findings have been discussed with the investigating judges and should be addressed expeditiously by providing the necessary capacity, training, and further technical assistance to support the Lebanese investigations into the 14 terrorist acts.

81. All Lebanese judges agree with the finding that the crime scenes were interfered with in the immediate aftermath of the blast/s, although not necessarily maliciously. In several cases, when the investigating judges arrived at the crime scene they found a crowd of people on the scene. This demonstrates that while several security agencies were usually present at the crime scene, an effective securing of the scene did not occur. Thus, coordination between the different security services needs to be improved; clear lead responsibilities need to be defined for such basic but critical activities, as failure impacts negatively on the ability to conduct effective investigations at the crime scene.

82. It is also likely that the intervention of firefighters and other first-responders, a situational necessity, has made forensic collection of residual explosives and other material evidence more complicated. This is particularly true given the lack of in-depth forensic expertise in Lebanon, most notably in the area of forensic crime

scene management and procedure, and of adequate technical resources for specialized units, which currently have only basic equipment, supplies and tools.

83. Coordination between the investigating judges of the 14 cases is not seamless, especially as they have numerous other cases to investigate. This is compounded by their occasional difficulties in gaining access to information and intelligence products. The Commission has thus suggested to the Lebanese authorities that investigating judges with specific expertise or experience in terrorism investigations be assigned to these cases.

84. The security services use investigative techniques with no analytical capacity and electronic tools, and lack such technical administrative resources as computers and photocopy machines.

85. As a result, the lack of progress made to date in the investigations of the 14 other terrorist acts committed since 1 October 2004, appears, in the Commission's opinion, to strain the confidence in, and trust between, the judiciary, the various security forces, the families of victims and the public in general.

Next steps

86. Individual discussions have taken place with each investigating judge and with the office of the Prosecutor General concerning a number of areas that would benefit from future technical assistance and a greater development of capacity to enable investigations to be undertaken more effectively. These measures are currently subject to further discussions between the Commission and the Lebanese authorities.

87. The Commission continues to extend technical assistance in the form of forensic and crime analysis capacity for each individual case, and provides its expertise by conducting comparative analysis with the Hariri investigation.

88. While it is not within the mandate of the Commission to conduct a comprehensive assessment of the functioning of the Lebanese judicial and law enforcement agencies, the Commission continues to interact closely with all relevant institutions to provide advice and guidance, as asked and as appropriate, and within the overall mandate and capacity of the Commission.

IV. International cooperation

89. All States are required to cooperate fully with the Commission. In its resolution 1595 (2005) the Security Council unequivocally calls upon all States and all parties to cooperate fully with the Commission. This obligation is reaffirmed in resolution 1636 (2005) and 1644 (2005) in which the Security Council called upon all States to extend to the Lebanese authorities and to the Commission the assistance they might need and request in connection with the inquiry, and in particular to provide them with all relevant information they might possess pertaining to the terrorist attack. Cooperation of all Member States, as and when appropriate, is of critical importance to the Commission as the successful completion of its work depends on it. During the reporting period, the Commission has thus continued to request assistance from Member States on both judicial and technical matters.

A. Cooperation with the Syrian Arab Republic

90. Security Council resolution 1595 (2005) and resolutions 1636 (2005) and 1644 (2005), both adopted under Chapter VII of the Charter of the United Nations, require the Syrian Arab Republic to cooperate fully with the Commission. Based on this framework, the Commission has pursued its efforts to obtain full and unconditional cooperation from the Syrian Arab Republic, on both legal and operational matters.

91. In its previous reports, the Commission highlighted several instances of difficulty encountered when seeking cooperation from the Syrian authorities. In order to address the real and urgent need to make progress on this issue, in the interest of expediting the investigation, the Commissioner twice met with senior Syrian officials to discuss the practical modalities of their cooperation. On 23 February 2006, the Commissioner met with the Syrian Minister for Foreign Affairs, the Deputy Minister for Foreign Affairs, the Legal Adviser of the Ministry of Foreign Affairs, and the Chairman of the Syrian Special Judicial Commission in Damascus. On 7 March, the Commissioner met again with the Deputy Foreign Minister and the Legal Adviser, this time in Beirut. As a result, the Commission has now reached a common understanding with the Syrian Arab Republic of the legal framework for their cooperation and of certain practical modalities to facilitate the expeditious implementation of the Commission's requests for assistance. The understanding will be tested in the upcoming months.

1. Framework of cooperation

Legal framework

92. It is understood that the legal framework for the Commission's operations and activities is principally formed by the body of relevant Security Council resolutions, most notably resolutions 1595 (2005), 1636 (2005) and 1644 (2005), and the recognized standards of international criminal law, taking into account national law where consistent with such standards. Thus, there is no need for a separate cooperation agreement between the Commission and the Syrian Arab Republic. The Commission applies its own procedures, consistent with generally recognized standards of criminal procedure. As far as executing investigative measures within the jurisdiction of the Syrian Arab Republic, the Commission will, as appropriate, take into account Syrian law and judicial procedures.

Access to information and sites in the Syrian Arab Republic

93. According to Security Council resolution 1595 (2005) and 1636 (2005), the Syrian Arab Republic should grant the Commission full access to the documentary, testimonial and physical information and evidence it possesses that the Commission deems relevant to the inquiry. The resolutions further require the Syrian Arab Republic to grant the Commission full access to sites and facilities on Syrian territory. The Syrian Arab Republic has signalled its intention to comply fully with these resolutions. The Commission intends, as appropriate, to request full, unhindered and direct access to documents, facilities and sites, in the presence of Commission officials.

Location and modalities for witness interviews

94. Security Council resolution 1636 (2005) also vests authority in the Commission to determine the modalities of interview of Syrian officials and individuals it deems relevant to the inquiry. The Commission takes a practical and pragmatic approach with regard to the modalities and logistical aspects of interviews of Syrian citizens. It will therefore determine the location of interviews on a case-by-case basis, taking into account security and other concerns.

Interview of senior officials and the Head of State

95. Emphasizing the relevant provisions of Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005), the Commission reaffirmed its right to interview any Syrian officials. The Syrian authorities have confirmed that members of the Government should be available for such interviews by the Commission. Moreover, following the two meetings between the Commission and Syrian Government officials, the Syrian Minister for Foreign Affairs informed the Commissioner on 9 March 2006 that a meeting with the President and another meeting with the Vice-President would take place during the upcoming month.

Procedures for the arrest of Syrian nationals

96. As stipulated in Security Council resolution 1636 (2005), should the Commission request the arrest of a Syrian official or individual suspected of involvement in the planning, sponsoring, organizing or perpetrating of the criminal acts at issue, the relevant Syrian authorities would be obliged to make that person "fully available to the Commission". The Syrian Arab Republic has signalled that it will fully comply with any such requests, including by arresting and making available to the Commission the person concerned, taking into account, as appropriate, Syrian legal procedures.

Communication with the Syrian authorities

97. There were differences of view in the past between the Commission and the Syrian authorities with regard to the role of the Syrian Special Judicial Commission. While the Commission encourages the Syrian Special Judicial Commission to effectively discharge its functions and collect information relevant to the inquiry, it is understood that the appropriate official interlocutor of the Commission remains the Government of the Syrian Arab Republic, represented by the Minister for Foreign Affairs.

2. Evaluation of information provided in response to Commission requests

98. The Government of the Syrian Arab Republic has, through the Syrian Special Judicial Commission, in particular in the past three months, formally complied with nearly all of the Commission's previous requests for assistance. It has provided responses on a number of specific issues that were raised with the authorities, some of which had been pending since November 2005. For instance, on 22 February 2006, the Syrian Special Judicial Commission informed the Commission that it had examined the archives of the military intelligence and reviewed records related to the political situation in Lebanon, as requested by the Commission. A number of reports concerning the security and political situation in Lebanon were handed over

to the Commission. These and other documents provided to the Commission are currently being reviewed for their relevance to the investigation.

99. Despite these encouraging steps, it is important to note that the Commission will ultimately judge cooperation of the Syrian authorities on the merits of the information provided and the promptness with which its requests are being accommodated. The Commission is currently in the process of preparing additional requests for assistance related to the Syrian presence in Lebanon and specific requests related to the assassination of Mr. Hariri. In order to ensure implementation of such requests, the Commission and Syrian authorities will hold regular working level meetings on cooperation matters.

B. Cooperation with other Governments and entities

100. The Commission has continued to request, through embassies in Beirut and permanent missions to the United Nations in New York, further judicial and technical assistance from Member States. In response, judicial and expert technical assistance was provided by several governments. The Commission welcomes, in particular, the valuable technical and judicial assistance it has received during the reporting period from France, the Netherlands, Japan and the United Arab Emirates. French authorities provided valuable logistical assistance during the interview of a witness residing on French territory and are expected to facilitate additional witness and suspect interviews. Netherlands forensic experts have assisted the Commission in providing technical assistance to the Lebanese authorities in 1 of the 14 other cases. The Commission has received substantial cooperation from the Japanese and the United Arab Emirates authorities in connection with the investigation into the theft of the Mitsubishi Canter truck, of which engine parts were found at the crime scene of the Hariri assassination.

101. The Commission is also grateful for the assistance received from international judicial and law enforcement organizations such as the ad hoc International Tribunals for the former Yugoslavia and Rwanda, the International Criminal Court, and law enforcement agencies such as Interpol. They have made available human resources assistance and qualified staff to assist the Commission in its work. As the investigation progresses further, this assistance will be increasingly crucial to the Commission. The Commission would, therefore, welcome additional assistance from individual governments and the above-mentioned institutions by making qualified and specialized human resources available.

102. In its earlier reports, the Commission had already highlighted the critical need for Member States to make available to the Commission specific information of immediate relevance to the investigation. This remains an area to be pursued with relevant Member States. At this stage, the Commission would welcome any information that would advance the investigation, whether it is directly linked to the crime or in support of the broader requirements relating to this complex case. In conformity with the well-established practice of international judicial or law enforcement institutions, any such information provided on a confidential basis would not be disclosed and would be used for internal investigative purposes only.

V. Organizational support

103. The imperatives of Security Council resolution 1644 (2005) to extend the Commission's mandate initially until 15 June 2006 and to expand it to incorporate the provision of technical assistance to the Lebanese authorities (in relation to the 14 cases that have occurred since 1 October 2004), and bearing in mind the possible establishment of a tribunal of an international character, presented a considerable challenge to the Commission in the early weeks of this reporting period. It was a priority for the incoming Commissioner to consolidate the Commission's financial, institutional, and managerial structure. Retaining and gradually strengthening its key investigative capacity and providing continuity in the leadership and substance of the investigations were the cornerstones of the Commission's organizational efforts during this transitional period.

104. In particular, the staffing situation encountered, most notably in the critical area of investigations, crime analysis, and forensics, was difficult in terms of lack of resources. The uncertainties surrounding the actual length of the Commission's mandate had led to the gradual departure of significant numbers of key staff, primarily investigators, since September 2005. By the end of 2005, such downsizing of the Commission's staffing level had reduced the number of investigators/analysts to 9 from previously 48 budgeted posts, and by February 2006, the number was 6. The Commission was forced to focus much of its initial attention on rebuilding a team based around the dedicated and professional capacity remaining without loss of momentum or direction for the investigation.

105. In this context, the Commissioner commends the exemplary dedication of the Commission's staff, particularly those still present since the very beginning of the investigation, in a highly volatile and constrained work/living environment. The Commissioner is paying particular attention to maintaining staff morale to sustain the high levels of commitment and professionalism currently displayed.

106. The Commission reviewed its entire staffing table, developed a new budget and appropriate job descriptions, and recruited a number of new multi-disciplined staff members, including by approaching international judicial and law enforcement institutions and Member States. All staff members presently employed are equipped with skills, qualifications and experience in complex investigations, counter-terrorism investigations, or international criminal law enforcement/justice initiatives, that are commensurate with the requirements of the expanded mandate. The Commission will need to continue to dedicate part of its efforts to the recruitment of qualified and professional staff in order to ensure sustainability of the investigation beyond the expiration of its current mandate and towards a possible tribunal of an international character.

107. In particular, the Commission enhanced its investigative capacity by adding two critical components to its existing structure: a legal advisory unit and an integrated support services component. These components are being staffed with specialists in the field of international investigations, international and comparative law, criminal analysis and other functional specialized areas of relevance. Both components will help to ensure that technical assistance to the Lebanese authorities continues to be provided comprehensively and with maximum professionalism. It will also enable the Commission to carry out "over the horizon" planning, as and when appropriate, to prepare for the transition of the investigation from the

Commission to a possible tribunal of an international character, or any other court of law.

108. The legal component provides legal advice on matters of international and Lebanese law and matters of cooperation with Member States. It will ensure internal legal consistency in the Commission's day-to-day work. It will also provide legal support to the operational activities of the investigation component. The integrated support services component will provide operational support to the various aspects of the Commission's ongoing investigative work. It will establish systems to improve the Commission's information management capability, forensics expertise and witness protection capacity, and ensure that all of the above operate at the highest levels of professional standards and methodology.

109. To support the large influx of information that has already been collected and is anticipated to further grow over the next three months, it is necessary to procure and manage electronic systems that ensure efficient data management. Adequate electronic analysis tools are fundamental to the progress of the investigation. In particular, the procurement of appropriate case management software will be crucial in portraying the legal construction of a case, ensuring relevant evidence is associated to individual legal elements and evidence thresholds are met for each case component.

110. Alongside the introduction of standard procedures for interviewing witnesses and suspects, sensitive source management and interpretation/translation management, and in order to ensure that case management capability is efficient and meets minimum legal standards, the following measures are being implemented to ensure the expanded and extended mandate can be fulfilled and remains sustainable: a single unified hard-copy filing system; a single unified electronic-copy filing and data retrieval system; a date-stamping receipt, storage and distribution system for incoming information; security protocols for electronic and hardcopy information storage; an external requests for assistance management and tracking system; a single unified protocol for liaison with Lebanese authorities; and a management system for authorization of missions and travel.

VI. Conclusions

111. With the expansion of its mandate and the prospect of a tribunal of international character on the horizon, the work of the Commission has entered into a new phase. It continues to extend its assistance to Lebanese authorities, building upon the work done in 2005 and is putting maximum investigative effort into the case of the killing of Rafik Hariri and 22 others. A significant number of new lines of inquiry, identified since January 2006, have already enabled faster-than-expected progress in two important areas. Along with the ongoing development and refinement of case knowledge, the Commission is confident that its support to the Lebanese authorities will result in a successful outcome to the investigations within a realistic time frame.

112. The Commission has begun the provision of further technical assistance to the Lebanese authorities for their investigations into 14 other alleged terrorist attacks since 1 October 2004. This aspect of its work is eliciting potentially significant areas of investigative development in linking these cases (or some thereof) together. The Commission is of the view that it is necessary to make short, medium and long-

term investments into the capacity of the relevant Lebanese judicial and law enforcement agencies in specific areas of expertise.

113. Interaction with the Lebanese authorities is close and frequent. The Commission will strive not only to maintain this excellent working relationship, but will continuously seek to find ways to further assist and enhance the interaction and information exchange. It must be noted that the Commission's capacity and mandate to provide technical assistance to the Lebanese authorities is limited. It can only provide preliminary assistance from its organic capacity, can identify future capacity requirements for the Lebanese authorities and enter into dialogue with States and other entities in pursuit of the fulfilment of those measures identified.

114. The Commission has laid the groundwork with the Syrian authorities for improved cooperation based on the framework set out by the relevant Security Council resolutions. It looks forward to receiving timely and relevant responses to its requests, as agreed by the Government of the Syrian Arab Republic.

115. The Commission has enjoyed good support from the United Nations system at all relevant levels. In the light of the continuing staffing requirements necessitated by the highly specialized levels of expertise required in many aspects of the Commission's work, human resources management will have to remain a priority focus for this interaction. Effective human resources management underpins the sustainability of the Commission's capability to perform its tasks and ensures it has the capacity to cope with future transitional requirements without deflecting from its core work objectives.

116. The Commission is fully aware of the limitations that its conservative approach to sharing case relevant information publicly and providing details on the pursuit of particular lines of inquiry may pose to the Security Council. The Commission would like to take this opportunity to assure Council members that this cautious approach is an integral part of its overall investigation strategy, and indeed, is standard investigation practice.

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Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in Guinea-Bissau

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999), by which the Council requested me to keep it regularly informed of and to submit a report on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS). Subsequently, in paragraph 11 of Security Council resolution 1580 (2004), the Council requested me to submit a written report to it every three months.

2. The present report focuses on developments since my last report, dated 2 December 2005 (S/2005/752), and, in particular, the stand-off between the Government and the opposition in Parliament, which has hampered progress in the normalization of relations among State institutions.

II. Political developments

3. During the period under review, the situation in the country continued to be dominated by political tensions along personality and party lines. The bitter divisions over the 2005 presidential elections are now mirrored in a National Popular Assembly, which is polarized into two blocs: one bloc, including a dissident faction of the African Party for the Independence of Guinea and Cape Verde (PAIGC), supports the current Government appointed by President João Bernardo Vieira on 2 November 2005; the other bloc is allied to the previous PAIGC Government, which the President dismissed on 28 October 2006. The balance of power remains fluid and neither side can confidently assure sustainable support in Parliament.

4. In my previous report to the Security Council I noted that the new Government was expected to present its programme and the 2006 budget to the regular parliamentary session, which was to begin on 21 November 2005. That session, was delayed, however, and Parliament finally convened on 20 February 2006. By a vote of 51 to 39 with 2 abstentions, it voted to include the Government's work programme on its agenda.

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5. At the same time the PAIGC spokesman continued to urge President Vieira to dismiss the Government led by Prime Minister Aristides Gomes and to replace it with a broad-based "national salvation" Government, drawing also from parties not represented in the National Popular Assembly.

6. Despite its earlier pledges to respect the decision of the Supreme Court of Justice on the constitutionality of the President's decision to appoint Mr. Gomes as Prime Minister, PAIGC organized civil actions to protest the Court's ruling, upholding the President's decision. In early February 2006 it joined forces with 10 smaller parties that had supported the PAIGC presidential candidate, Malam Bacai Sanhá, and established the Broad Republican Front, the aim of which, according to its spokesperson, was to prevent dictatorship.

7. Another major political controversy surrounds the appointment of substitutes for those pro-Government deputies who suspended their mandates upon accepting ministerial posts in the new Government, as well as the replacement of deceased deputies and appointments to parliamentary commissions. Some Government supporters have accused the Speaker of obstruction and partisanship, and the run-up to the session has been particularly tense, with recriminations exchanged in the media and in communiqués. It is not clear whether the replacement issues will be discussed at the ongoing session of the Assembly.

8. UNOGBIS has led joint efforts with the Community of Portuguese-Speaking Countries and the Economic Community of West African States (ECOWAS) to get the two sides to negotiate their differences constructively. To that end, a process was initiated to bring together senior presidential advisers, representatives of the Government, parliamentary parties and the Permanent Commission of the National Popular Assembly. While participants have affirmed their commitment to constructive dialogue and reconciliation, they have yet to fully muster the will to move to joint problem-solving in the wider interest of the public. There has been growing awareness among civil society actors that the political impasse must be broken through dialogue. The various civil society initiatives have been presented to President Vieira who, in an address to civil society groups in February, said he was pleased at the positive response to his call for a process of national reconciliation. However, he stressed the need for consensus, coordination and harmonization among the various initiatives and warned against competition for resources.

9. Drawing on its partnership with the National Institute of Studies and Research of Guinea-Bissau and the Geneva-based War-torn Societies Project, UNOGBIS organized, from 2 to 5 February, a workshop whose 22 participants included representatives of civil society groups and the Guinea-Bissau diaspora. Participants examined the causes of the current political crisis and discussed and proposed effective strategies to prevent the materialization of a worst-case scenario and to foster positive developments. In particular, they identified inefficient governance and leadership, the lack of constructive dialogue, the absence of a broadly shared national vision among political actors and a weak judicial system as key among the causes of the current political crisis. To overcome it, they suggested as an immediate priority the need to promote a "grand national reconciliation" initiative, starting with a process of broad consultations with the different national stakeholders, harmonization of the various dialogue initiatives and encouragement of dialogue within the main political parties. In the short to medium term, participants felt that the priority should be to develop a broad national consensus on issues of major

national concern. This, in their view, could be achieved by encouraging dialogue and consensus-building among the organs of sovereignty and by using the media as a vehicle for constructive dialogue. They also proposed the organization of a donors' round table for Guinea-Bissau.

10. In order to develop national capacity in conflict transformation and in preparation for its joint training programme with SNV Netherlands Development Organization on leadership and conflict transformation skills for parliamentarians, UNOGBIS, on 7 February, organized a one-day pilot training workshop for 22 politicians, civil society actors and military officers involved in reconciliation initiatives. One of the aims of the workshop was to identify those among the participants who could be trained as trainers/facilitators in this field. Participants, who were exposed to key aspects of the theory and practice of conflict transformation and views on the relevance of such training, unanimously agreed that a conflict transformation approach would be a useful tool with which to address the country's political crisis and could help bring together the various dialogue and peace initiatives. They also felt that such training workshops should be offered to a broader audience, particularly in Parliament.

11. Following a decision of the Extraordinary Session of the Conference of Heads of State and Government of the West African Economic and Monetary Union (UEMOA), held in Niamey on 23 December 2005, a joint high-level delegation including a technical team of UEMOA, the Central Bank of West African States, the West African Development Bank and ECOWAS visited Bissau from 20 to 24 February. The delegation met President Vieira, the Speaker of Parliament and the Prime Minister to exchange views on the current political and socio-economic situation, with the UEMOA technical team examining possible financial and technical assistance to the country.

III. Economic and social aspects

12. The economic and fiscal situation in Guinea-Bissau remains very difficult, especially given seasonally low revenues in the first quarter of the year. As a result, the Government has to resort to commercial loans and the issuance of treasury bills through the regional banking system to raise funds against expected budgetary support from the European Union and the World Bank in order to meet current expenditure. Thus, civil service salaries from November 2005 to January 2006 were paid through a short-term commercial loan of 4 billion CFA francs.

13. A planned mission of the International Monetary Fund, which was cancelled in October 2005 due to the change of Government, now plans to visit Bissau in March 2006. Its objective will be to conduct with the authorities the annual bilateral discussions of the country's economic developments and policies in 2005, under article IV of the IMF Articles of Agreement. The start of discussions on a staff-monitored programme for 2006 will depend on the approval of the Government's work programme by Parliament.

14. The European Union recently reaffirmed its continued engagement in Guinea-Bissau and signed an addendum to increase its assistance for the 2002-2007 national indicative programme with Guinea-Bissau by €10.7 million. The European Union and the authorities agreed that €5.7 million would be disbursed for security sector reform and €5 million for budgetary support in 2006. Also on the positive side, the

Government of Italy contributed €193,000 to the Emergency Economic Management Fund, administered by the United Nations Development Programme (UNDP), the operation of which was extended in December 2005. Meanwhile, two new banks with links to the subregion opened in Bissau, bringing to three the number of commercial banks operating in the country.

15. The school year did not start in early October, as is customary. It was delayed until December 2005 due to a cholera epidemic and strikes called by the national teachers' union. Disruptions have continued, as the Union has called for further strikes while negotiations continue with the Ministry of Education on the payment of salary arrears, pay raises and other contractual issues.

16. Between 2002 and 2005 enrolment rates for the first year of primary education increased by more than 30 per cent, with a significant increase in the number of girls enrolled. Following a request of the Ministry of Education for United Nations support for the review of the country's educational system and to intensify efforts to improve the quality of education, the United Nations country team is working closely with bilateral and multilateral donors to the United Nations Educational, Scientific and Cultural Organization to respond constructively to those requests.

17. In early February the Ministry of Health officially announced the end of the cholera epidemic. The United Nations system is assisting the authorities in devising contingency preparedness measures with regard to the avian influenza threat in the region.

18. Given that the last national census was conducted in 1991, the Government requested assistance from the international community to conduct a new one, estimated to cost $2.5 million. The preparation of the technical documents for the project would be supported by the United Nations Population Fund.

IV. Military and security aspects

19. With the support of UNOGBIS, the armed forces National Commission on Reconciliation and Reintegration, which was set up in February 2005, launched the second phase of its sensitization campaign on 16 January. The Commission's work has been expanded to cover the police, security and other paramilitary forces. To consolidate progress made so far, the activities will now focus on, among other things, such issues as the negative impact of ethnicity in the armed forces, the role the armed forces played in the recent presidential elections and the need to include in the reconciliation process those citizens of Guinea-Bissau who served in the Portuguese colonial army during the struggle for independence. The Commission has stressed the need for reconciliation, for subordination to civilian authorities and for staying out of the political arena, as well as the need to contribute to good relations with neighbouring countries.

20. UNOGBIS has continued to support the national efforts towards security sector reform. In December 2005, it presented to the Government the mission report of the United Kingdom Security Sector Development Advisory Team that had visited Bissau on a fact-finding mission from 10 to 13 October 2005. The Government has adopted the report as one of the anchors of the security sector review process, together with the country's defence white paper and the proposed programme of the Government for 2006. In accordance with one of the

recommendations contained in the report, the Prime Minister has issued a decree creating an inter-ministerial committee on security sector reform. The Committee, which involves all relevant government departments, was formally launched on 7 February. UNDP has also been working closely with the Ministry of Defence in managing the security sector reform trust fund, set up with funds from Brazil, on behalf of the Community of Portuguese-Speaking Countries. Subsequently a steering committee, chaired by the Minister of Defence, was set up to orient the work of a technical team and approve its proposals before submitting them to the inter-ministerial committee and the Cabinet; UNOGBIS, UNDP, ECOWAS, the Community of Portuguese-Speaking Countries and the European Union participated in the steering committee in an advisory capacity as observers. From 20 February to 3 March, the Security Sector Development Advisory Team met in Bissau for its second visit to consult with key stakeholders and to facilitate reaching consensus on the process and on the content of a security sector review exercise, including agreement on their respective roles and responsibilities.

21. There has been an increase in the number and quantity of weapons and drugs seized, and more judicial processes on the seizures have been opened. This increase has not, however, led to a reduction in delinquency, which could imply that the consequences rather than the causes are being addressed. In this connection, the United Nations Office on Drugs and Crime (UNODC) conducted a mission to Guinea-Bissau from 23 to 27 January to carry out a preliminary assessment of the country's law enforcement capacity, especially with regard to the fight against drugs and organized crime and the situation in prisons. UNODC found that the Government had weak capacity to provide border security, which had resulted in international criminal networks using the country as a transit point for drug trafficking. It also noted the Government's inability to ensure the execution of sanctions and, consequently, the administration of effective and transparent justice. During its visits to civilian detention centres in Bissau, UNODC stressed that the rehabilitation of the detention facilities, which it said were in appalling condition, was a most pressing concern.

22. The UNODC technical report on its assessments and its recommendations on operational follow-up actions in terms of project ideas, justice administration, including prison reform, and territorial and border control would be transmitted to Guinea-Bissau authorities and potential funding partners and would constitute an integral part of the proposed programme to reform the national security sector.

23. With regard to demining operations, an area totalling 8,107 square metres of land was cleared of landmines and unexploded ordnance, and 1 anti-tank mine, 10 pieces of large-calibre unexploded ordnance and 605 pieces of small-calibre unexploded ordnance were destroyed during the reporting period. The UNDP-supported national mine action coordination authority completed preparations to conduct a landmine impact survey. The survey will provide detailed information on the nature and location of contamination and its effects on the population of Guinea-Bissau. The information from the survey should in turn permit more accurate and efficient planning and prioritization of the country's resources, as well as better integration of the mine action issue into development planning.

V. Human rights aspects

24. UNOGBIS continued to promote respect for human rights, including in the administration of justice. The lack of adequate detention facilities and their poor condition contributed to the violation of the rights of detainees. As part of the regular joint monitoring of detention conditions, UNOGBIS, together with representatives of the Office of the Attorney-General, visited the three civilian detention centres in Bissau. The main objective of such visits is not only to monitor the situation, but also to ensure that detainees are not held beyond the permissible remand period.

25. Gender-related issues remained high on UNOGBIS agenda. On 16 February, the Office convened a coordination meeting, attended by representatives of eight non-governmental organizations and the State-sponsored Institute of Women and Children, to discuss how best to advance women's rights and define a common agenda. Participants stressed the need for greater liaison between the various groups to avoid duplication of efforts and unanimously agreed to establish a coordination committee to explore the potential of women's groups to play a more central role in the consolidation of peace and democracy in the country.

VI. Observations and recommendations

26. In my previous report I observed that the actors in Guinea-Bissau were addressing their differences peacefully, through the proper constitutional channels, which is an important step forward in building a culture of respect for the rule of law. I wish to reiterate the importance and, indeed, the urgency of such an approach, especially given the negative impact of political polarization on the overall evolution of the country.

27. The grave consequences of the lack of constructive dialogue cannot be overstated. It has resulted in the undermining of the authority of two vital institutions of State, namely, the Supreme Court, which is challenged by the opponents of the Government, and the Speaker of Parliament, who is challenged by supporters of the Government. It is both important and urgent for the people of Guinea-Bissau to re-establish the authority of their democratic institutions, without which genuine reconciliation is not possible, stability is compromised and the flow of development assistance is interrupted. It is fundamental that they put aside the contradictions of the recent past and join forces to start a process of sustainable reconciliation.

28. I am encouraged by the strong commitment of large sectors of society in Guinea-Bissau to constructive dialogue, reconciliation and reconstruction and especially by recent indications that the Government and its opponents were prepared to try to find a mutually acceptable solution to their differences. I also welcome the close cooperation among UNOGBIS, ECOWAS and the Community of Portuguese-Speaking Countries and commend their joint initiatives to ensure more constructive partnership in support of Guinea-Bissau. At the same time, I wish to stress that it is up to the people of Guinea-Bissau themselves to overcome mistrust, move away from antagonistic positions and engage in joint action to improve conditions in their country.

29. I am particularly pleased to note the positive role played by the military leadership in consolidating the reconciliation and reintegration processes and also in working to promote security sector reforms despite the prevailing political tensions. While these processes are still nascent, there appears to be an emerging political will to move them forward. I am also pleased to note the directive of the Chief of the General Staff calling upon the military to remain outside the political arena and to subordinate itself to the civilian authorities. I urge the military leadership to remain steadfast in this resolve.

30. I welcome the Government's efforts to improve the delivery of some social services, as well as the overall conditions of the military, the police and the justice sector. Much remains to be done, given the financial difficulties the Government continues to face. I therefore wish to reiterate my urgent appeal to the international community for continued engagement in support of Guinea-Bissau in these and other domains, especially in order to avert worsening social and political tensions. The international community has invested heavily and productively in helping to pull Guinea-Bissau back to constitutional rule and it is important that we, together with the people of that country, remain focused to consolidate the progress made at such great cost. In that regard, I wish to commend Guinea-Bissau's partners, in particular the unwavering solidarity and commitment of ECOWAS, the Community of Portuguese-Speaking Countries and the European Union.

31. Finally, I wish to thank my Representative for Guinea-Bissau, João Bernardo Honwana, the staff of UNOGBIS and the entire United Nations country team for their enduring commitment and dedication to promoting peace, stability, prosperity and development in Guinea-Bissau.

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Sixth report of the Secretary-General on the United Nations Operation in Burundi

I. Introduction

1. By its resolution 1650 (2005) of 21 December 2005, the Security Council extended the mandate of the United Nations Operation in Burundi (ONUB) until 1 July 2006. In that resolution, the Council requested me to consult with the Government of Burundi to determine the modalities for implementing a gradual disengagement of the United Nations peacekeeping presence and an adjustment to its mandate on the basis of the recommendations contained in the letter from the Government of Burundi to the President of the Security Council dated 23 November 2005 (S/2005/736). It also authorized, subject to certain conditions, the temporary redeployment of military personnel among ONUB and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The present report provides an update on developments since my previous report dated 21 November 2005 (S/2005/728), and, as requested by the Government of Burundi, outlines a drawdown plan for ONUB's military and police personnel, as well as recommendations for adjustments to the mission's mandate.

II. Developments on the ground

2. The Government has taken further steps to consolidate its authority. All key executive appointments have been made and key legislation was adopted. Disarmament and demobilization proceeded broadly on schedule, and progress was made in disbanding militias. The Government also took steps towards addressing the daunting socio-economic problems faced.

3. Nevertheless, significant challenges remain and the situation is fragile. No progress was achieved towards a negotiated resolution with the Palipehutu-Forces nationales de libération (FNL) and an intensification of the confrontation with FNL contributed to a deterioration of the human rights and humanitarian situation in the west. Advances towards the much-needed security sector reform and reintegration of former combatants have been slow. The provision of public services remains severely impeded by a weak public administration and budgetary constraints. The reporting period was also marked by increased food shortages and a reverse trend in the movement of refugees, with over 6,000 Burundian refugees seeking shelter in the United Republic of Tanzania.

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Activities of the elected institutions

4. Over 60 presidential decrees were issued on the appointment of senior Government officials. Constitutionally mandated ethnic and gender quotas were generally respected. Nine out of 37 laws presented to the Parliament were adopted during its first session, which ended in December 2005. To expedite the processing of key legislation, President Pierre Nkurunziza convened an extraordinary parliamentary session in January, during which four bills on the status of National Defence Force and the Burundi National Police personnel as well as the intelligence services, together with an anti-corruption bill were adopted. A regular parliamentary session began in February.

5. In December, President Nkurunziza announced the Government's priorities for 2006, including economic recovery, reconstruction, reconciliation, governance, trade, education and environmental protection. The President reiterated his commitment to resolving the issues of prison overcrowding and political prisoners and to combating corruption and mismanagement. He pledged to strengthen the capacity of the security sector, to reorganize judicial institutions, to disarm civilians and to reintegrate returnees and former combatants. A reduction of taxes on basic imported food items was also announced and subsequently implemented.

6. The Government is finalizing the poverty reduction strategy paper, scheduled to be approved by the end of March. It will thereafter be reviewed by the International Monetary Fund (IMF) and the World Bank for endorsement, a requirement for Burundi to continue benefiting from debt relief through the Heavily Indebted Poor Countries Initiative. In view of the timeline envisaged for the finalization of the poverty reduction strategy paper process, the Government developed a one-year bridging emergency programme for 2006, which was presented to a donor conference held at Bujumbura on 28 February. The programme focuses on addressing the needs of the drought-affected population, improving education and health services, return and settlement of refugees and displaced persons, governance, rule of law and budget support. Donors responded very positively, with $170 million pledged during the conference. The European Union was the largest contributor committing some $50 million. The emergency programme is compatible with the United Nations consolidated appeals process.

7. The President presented the Government's five-year programme to Parliament in December. While it is broadly based on the poverty reduction strategy paper priorities, the Government is expected to engage with development partners to ensure coherence between the different recovery and development initiatives.

8. In December, Parliament approved the national budget for 2006 totalling $417 million. The budget is linked to the poverty reduction strategy paper priorities and envisages an increase in funding for health, education, public investment and wages, while reducing slightly the security sector allocation. External financing for the budget is currently estimated at $341 million for 2006. Taking into account external programme financing and debt relief under existing mechanisms, the budget gap is estimated at $21 million. The World Bank, IMF and other donors are scheduled to discuss corrective measures with the Government in March.

9. Steps have also been taken to address the issue of political prisoners and prison overcrowding. Following the appointment of a commission to identify political prisoners, the President announced in December the conditional release of

all prisoners detained for more than two years without charge, and those who had served at least a quarter of their sentence (with the exception of those who had committed serious crimes). A presidential decree was issued granting provisional immunity to all political prisoners who had been identified by the commission and 1,457 detainees were subsequently released.

10. While the release of political prisoners involved in the 1993 crisis and its aftermath is provided for in the Arusha Peace and Reconciliation Agreement for Burundi of 2000, the decision raised serious concerns among political parties and human rights organizations over the lack of transparency in the work of the Commission, in particular regarding the criteria on which the releases were based. Concerns were also raised regarding the lack of preparation of the communities to which detainees would return. The Government has since launched a sensitization campaign to explain its decision on political prisoners and to promote reconciliation in their communities.

11. It should also be noted that some parties, including the Front pour la démocratie au Burundi (FRODEBU) and the Unité pour le progrès national (UPRONA), have expressed concern over what they believed was the Government's lack of full compliance with constitutional requirements regarding party representation in Government, insufficient participation in the executive decision-making process, as well as the Government's firm position towards FNL.

Burundi Partners' Forum

12. In December, the membership of the Burundi Partners' Forum was expanded to include all international representatives accredited to Burundi. On 2 February, the Forum agreed on its terms of reference, which provided for assistance to the Government and advocacy for international resource mobilization. The Government's 2006 emergency programme, the five-year development plan and the poverty reduction strategy paper were taken into account in that regard.

13. In a meeting convened on 10 February with Forum members, the Minister of External Relations and International Cooperation expressed the Government's serious reservations regarding the proposed mandate of the Forum, which was considered to be duplicating certain functions of the Government, particularly those of the National Committee for Aid Coordination, established in December 2005. In view of the Government's reaction, Forum members agreed that the Forum would be developed into a flexible framework for the exchange of views among international partners on issues related to peacebuilding, development and the consolidation of peace in Burundi.

Regional dimension

14. During the Security Council meeting on the Great Lakes region, held on 27 January 2006, the Minister of External Relations and International Cooperation stated that Burundi and its neighbours were committed to the principles of peace, security, and development in the region. In pursuit of those goals, Burundi, Rwanda and the Democratic Republic of the Congo requested that the international community declare the region a priority for peace and development and that a special fund be established for regional reconstruction.

15. The Subcommission on Security and Defence of the Tripartite Plus Joint Commission (Democratic Republic of the Congo, Rwanda, Uganda and Burundi) met in Kinshasa on 30 January to discuss the terms of reference for the Tripartite Fusion Cell. The Cell, which was subsequently established in Kisangani, will serve as a mechanism for information-sharing on armed groups operating in the eastern part of the Democratic Republic of the Congo and improved border security, and will include analysts from the Commission's four member States, with support from ONUB and MONUC.

16. Burundi will join the East African Community (EAC) at the EAC summit meeting in March. This will improve Burundi's prospects in trade, security and political cooperation. Burundi is expected to follow a gradual entry, as it continues to develop and reform its economic legislation in line with EAC standards.

III. Security situation

17. Following an assessment carried out in December, the provinces of Cankuzo, Gitega, Karuzi, Kayanza, Kirundo, Makamba, Muramvya, Muyinga, Mwaro, Ngozi, Rutana and Ruyigi were reduced from United Nations security phase three to phase two, allowing for greater access and freedom of movement for humanitarian actors in those areas. Bururi province and Cibitoke city were reduced from phase four to phase three. Owing to the ongoing military confrontations with FNL, Bubanza, Bujumbura Rural and Cibitoke remained at phase four.

18. In the meantime, criminality has risen throughout Burundi, with widespread incidents of armed banditry, intimidation, looting and sexual violence. The national midnight curfew remains in force and movement, especially on major routes between Bujumbura and the provinces, continues to be restricted.

19. Border security remained an issue of concern due to the prevalence of cross-border illicit activities, including looting and arms smuggling, reportedly committed by FNL, the Forces démocratique de libération du Rwanda and other groups. However, tactical coordination between the National Defence Force and the Armed Forces of the Democratic Republic of the Congo was further developed, in particular with regard to border monitoring, including the handover of several FNL combatants to the National Defence Force and one Forces démocratique de libération du Rwanda element to the Armed Forces of the Democratic Republic of the Congo during the reporting period. Monitoring on these borders is expected to be strengthened with the recent deployment of an additional brigade of the Armed Forces of the Democratic Republic of the Congo.

IV. Key challenges to the consolidation of peace

A. The FNL aspect

20. Comprehensive peace will continue to elude Burundi as long as FNL remains militarily active and outside the peace process. The intransigent armed group has to date not demonstrated the political will to engage in good faith in any of the meaningful efforts to end the conflict over the past decade.

21. Despite numerous efforts by the Government of the United Republic of Tanzania to facilitate negotiations, no progress has been achieved on this track. In December, the FNL spokesman announced that FNL was prepared to enter into talks with the Government of the United Republic of Tanzania regarding negotiations with the Government of Burundi. On 16 January, the Government of the United Republic of Tanzania confirmed that FNL had requested that it facilitate meetings with the Government of Burundi. However, on 27 January, and following the adoption of Security Council resolution 1653 (2006), President Nkurunziza announced that the deadline established by the Government for negotiations had passed and that FNL would now be treated as a "regional security issue" rather than an internal Burundian matter. The same message was conveyed by the Minister of External Relations and International Cooperation at the Security Council meeting on 27 January. The Government has since reiterated that the deadlines it had set for negotiations with FNL had expired, and the opportunity for a political solution had ended. It has however maintained that the disarmament, demobilization and reintegration process remained open to any FNL member.

22. In the meantime, the Government intensified its military campaign against FNL, resulting in a deterioration of the security situation in Bujumbura, Bujumbura Rural, Bubanza and Cibitoke. Hundreds of individuals accused of being FNL combatants or collaborators have been arrested or detained. The National Defence Force also reportedly carried out aerial strikes against FNL in the Rukoko Forest on the border with the Democratic Republic of the Congo.

23. FNL has continued to carry out military attacks and atrocious acts of violence, including against Bujumbura. In what could be a change in tactics, attacks on the National Defence Force positions have somewhat decreased, with an increase in criminal activities attributed to the armed group, including armed robberies, targeted killings, mutilations and abductions, in particular against individuals accused of collaborating with the National Defence Force, as well as demobilized former Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) combatants.

B. Disarmament, demobilization, and reintegration

24. The disarmament and demobilization of former combatants has proceeded with support from international partners and ONUB. As of 22 February, 16,724 adult combatants, including 482 women and 3,015 child-soldiers, had been demobilized. With the demobilization of 7,332 members of the National Defence Force, the Government has achieved the target of a 30,000-member force, securing the disbursement of budget support from the European Commission and France, which had conditioned the provision of the funding on that benchmark being met. Further downsizing of the National Defence Force by an additional 5,000 personnel, in accordance with the Government's declared demobilization policy, is expected to be completed by the end of 2006.

25. In December, ONUB destroyed unserviceable ammunition collected through the disarmament process during a public ceremony organized by the Government and ONUB. The destruction of arms and ammunition to be decommissioned from the Government's stocks is expected to begin later in 2006.

26. With support from the World Bank, 96 per cent of former combatants received reinsertion allowances for the first 18 months following their demobilization. However, the delivery of longer-term economic reintegration assistance, including micro-projects, vocational training and apprenticeships, has been seriously delayed. As of December 2005, only 1,995 former combatants had received reintegration assistance and a further 3,300 were receiving it under the national programme. The National Commission for Disarmament, Demobilization and Reintegration estimates that an additional 9,000 former combatants will benefit from such assistance in 2006 and that the programme will continue through 2007. The difficult socio-economic environment in which the individuals are expected to resume civilian life will make the reintegration process very challenging.

27. Despite initial delays, the dismantling of militias is now proceeding satisfactorily. To date, 10,059 *gardiens de la paix* and 5,029 *militants combattants* have been disbanded. The remaining 14,213 members of the militias are scheduled to be disbanded by mid-2006.

C. Security sector reform

28. In November, the National Defence Force began basic training on core military duties at the company level. Two presidential decrees were issued in January on the restructuring of the Ministry of Defence and the establishment of a single military court, and legislation has been adopted on the status of personnel in the security services. A task force has also been established to address the remaining ethnic imbalances within the National Defence Force at the battalion and brigade levels, which is expected to complete its work by mid-2006.

29. However, there has been no progress towards the development of a comprehensive framework for security sector reform, an essential element in developing sustainable and professional security forces under civilian control. Both the National Defence Force and the National Police continue to suffer from operational weaknesses owing to a lack of basic and specialized training, as well as a severe lack of essential equipment, logistics and infrastructure. Operational effectiveness and credibility have been seriously affected by the significant number of human rights violations and common crimes committed by the National Defence Force, the National Police and the intelligence services. While those have increased in the context of the conflict with FNL, weaknesses in command and control are also contributing factors.

30. The Burundian authorities have yet to reach consensus on the scope of reforms, including the promotion of a culture of good governance and transparent management in the security sector. Further structural and budgetary reforms, based on national security needs and a threat assessment, as well as the implementation of a comprehensive training programme, will be critical for the professionalization of the security forces.

31. The completion of security sector reform will be a long-term undertaking, requiring sustained commitment and coherent support from the Government and international partners. This also includes the provision of accommodation, equipment and sustainment, while also meeting longer-term requirements yet to be identified.

32. In addition to the general institutional and operational constraints of the security sector, it should be recalled that the National Police is a newly assembled force, which is severely hindered by the lack of professional standards and a culture of excessive use of force and corruption. Those problems are exacerbated by a serious lack of resources.

D. Return and reintegration of refugees and displaced persons

33. During the reporting period, the rate of return of Burundian refugees from the United Republic of Tanzania decreased significantly. The Office of the United Nations High Commissioner for Refugees (UNHCR) facilitated 5,409 and 1,250 returns in November and December 2005, respectively, bringing the total number of refugee returns to 68,000 during 2005. However, in January and February, only 428 and 1,319 returns were registered.

34. This decline was attributed to several factors, including the precarious security situation, food insecurity in the northern and eastern provinces, increased human rights abuses and inadequate infrastructure and public services, as well as conflicts over access to land. These problems have also resulted in an outflow of more than 6,000 Burundians to the United Republic of Tanzania since November, including many new returnees. Since October, the return of displaced persons to their places of origin has also been minimal.

E. Regional concerns

35. The Government has continued to strengthen relations with neighbouring countries, leading to better coordination on such issues as border security and movement of refugees and asylum-seekers. However, the volatile situation along the borders with the Democratic Republic of the Congo remains a significant threat to stability. In this regard, there are continued reports of collaboration between FNL and Congolese and foreign armed groups, and the illicit cross-border movement of arms and combatants has also continued unabated. With the recent increase in operations of the Armed Forces of the Democratic Republic of the Congo against these armed groups, there is a serious concern that some of the armed groups may try to move into Burundi. There are also concerns that major military activities in the eastern part of the Democratic Republic of the Congo could cause large movements of refugees into Burundi. Security along the borders with Rwanda and the United Republic of Tanzania also requires strengthening.

V. Other major challenges

A. Human rights and transitional justice

36. The human rights situation deteriorated noticeably in the western provinces as a result of the Government's intensified military campaign against FNL. ONUB documented serious human rights abuses, principally implicating the national security forces, including summary executions, arbitrary arrests and detentions, torture and ill-treatment, mainly of individuals suspected of supporting FNL. While some steps have been taken to prosecute those responsible for non-political human

rights violations, abuses in relation to the conflict with FNL continue to be committed with impunity. ONUB and human rights organizations regularly discuss the most serious human rights cases with the national authorities but steps have yet to be taken to prosecute those responsible. It should be noted however that President Nkurunziza recently warned that actions would be taken against all military personnel responsible for abuses.

37. Hundreds of suspected FNL combatants or supporters, including local administrative officials and FRODEBU supporters, remain detained, many arbitrarily. Credible testimonies from numerous detainees held by the intelligence services before their transfer to police cells indicate that they were tortured during interrogation. From October to late November, access to those detainees was denied, including by judicial officials. Following complaints by human rights organizations, human rights monitors were given access to most detainees, and the National Police expedited investigations of cases to facilitate legal proceedings. However, the monitoring of the detention of persons by the National Defence Force and intelligence services remains hindered by the lack of access to their installations.

38. Human rights organizations and ONUB expressed serious concerns about the public displays on 15 December 2005 and 2 February 2006 of several hundred individuals arrested for different reasons, including for alleged FNL collaboration. The acts were a serious violation of the rights of the individuals, none of whom had been formally charged and some of whom were released days later.

39. ONUB has intensified its campaign against sexual violence, which remains prevalent in the country. It participated in the international annual campaign against sexual violence in late 2005. This event, organized by the Government, highlighted the need for immediate medical care for rape victims and the importance of tackling impunity by reporting rape cases. ONUB also continued to work with partners to discourage the settlement of rape cases out of court.

40. Another key challenge is incorporating human rights in the training of the security forces and civilian officials responsible for the protection of human rights. Ensuring respect for human rights will also depend on the comprehensive reform of the judicial system, which has yet to begin.

41. There was some progress towards the establishment of a mixed national-international truth and reconciliation commission and special chamber, which was endorsed by the Security Council in its resolution 1606 (2005). In February, the Government informed ONUB that its delegation, which was appointed in October, had completed its preparatory work and provided recommendations on an approach for the establishment of the transitional justice mechanisms. Negotiations with the United Nations on the modalities of their establishment could therefore commence. It is expected that a United Nations team, led by the United Nations Legal Counsel, will visit Burundi at the end of March for that purpose.

B. Humanitarian and development challenges

Humanitarian challenges

42. Food shortages increased during the reporting period, due to the security situation, poor rainfall, crop diseases and the high level of poverty in rural areas. According to the World Food Programme (WFP), those factors are expected to leave

2.2 million Burundians in need of food aid in 2006, a significant increase from the 1.7 million initially identified to receive food aid during that period. The worst affected areas are in northern Burundi, previously the country's breadbasket, and to which tens of thousands of returnees are expected to return. To complement WFP's emergency food aid, the Food and Agriculture Organization of the United Nations (FAO) intends to distribute seeds and tools to 150,000 households to help ensure a better harvest in June.

43. An estimated 68 per cent of the population is suffering from food insecurity. While the Government's 2006 emergency programme includes plans to improve short-term food security and to address the related longer-term challenges, concrete steps in that regard have not yet been taken.

44. International support is also urgently needed to expand community-based development projects and capacity-building programmes to improve the provision of basic services, in particular health and education. The principal humanitarian challenge in this context will be to address the immediate impact of food insecurity, while the related structural causes are addressed by the Government and its development partners.

45. In the meantime, refugee camps in the region have been attracting increasing numbers from drought-affected areas. In addition to the outward flow of Burundians to the United Republic of Tanzania, over 20,000 Rwandans have now crossed into Burundi. In December, the Government, with assistance from UNHCR, began the process of refugee status determination for the 8,262 registered Rwandan asylum-seekers. An additional 12,381 asylum-seekers have been counted but not yet registered; that number increased by 500 new applicants each week during the reporting period. The Government and UNHCR are collaborating to manage the situation upon the completion of the determination process. WFP and UNHCR are also working to coordinate food distribution on a regional basis to avert unnecessary population shifts.

Development challenges

46. The prospects for improving the precarious economic situation improved after Burundi reached the Heavily Indebted Poor Countries Initiative decision point in August and was granted access to interim debt relief. The African Development Bank also endorsed Burundi's request for Heavily Indebted Poor Countries Initiative relief in November. However, the country's external financing needs will continue to be significant and are estimated at $341 million for 2006, including $165 million for programme financing and debt relief.

47. Economic growth is expected to improve from an average of 2.5 per cent between 2001 and 2004 to about 6 per cent between 2006 and 2008. The investment-to-gross domestic product (GDP) ratio is projected to rise from 5.5 per cent in 2001-2002 to 13.3 per cent between 2006 and 2008, assuming Government finances are strengthened and domestic investment opportunities improve. Public investment in infrastructure and social sectors are also expected to increase. Nevertheless, Burundi faces significant long-term macroeconomic challenges and is expected, according to the World Bank and IMF, to remain aid dependent for the next 20 years owing to its external current account deficit. It is anticipated that Burundi will remain one of the poorest countries in the world with a forecast

average per capita GDP of less than 50 cents per day until 2024. In order for the Government to reduce poverty, a higher rate of public and private investment will be required. Major reforms will be needed in the public sector, as well as in the promotion of exports.

Land

48. Serious conflicts over land ownership and use remain a major challenge to the rural population, the productivity of the agriculture sector and the consolidation of peace. In addition to returning refugees and displaced persons who seek to reclaim land occupied by others, the situation has been exacerbated by a rapidly growing rural population, which increases the tremendous pressure on scarce land resources. Although the effectiveness of political reforms, decentralization, reconciliation and socio-economic development are likely to be diminished if the land issue is not adequately addressed, the Government has yet to identify the land issue as an urgent priority. It has, however, submitted legislation to Parliament to create a national committee for land and property, which will have the mandate to address those issues. The Government has also signalled its intention to address land inheritance rights for women, which should improve the situation of women returnees, in particular widows.

C. Governance

49. While the Government has indicated that good governance is its priority and has placed initial emphasis on the issue of corruption, limited progress has been made in other key areas, such as the judiciary and public administration. Major reform is required in the civil service and public administration, both of which continue to suffer from ethnic imbalances, limited technical capacity and a lack of resources.

50. The Government has adopted legislation on the prevention and suppression of corruption and is establishing financial control units in key ministries. Capacity-building for an internal audit in 2006 will complement the training programmes provided to new parliamentarians on analysis and control of the national budget.

51. In support of national capacity-building efforts in the area of governance, the United Nations Development Programmes (UNDP) has supported Parliament in the organization of consultations between elected officials and their constituencies, and the sensitization of parliamentarians on legislative issues. The European Commission and other partners, including ONUB, completed a training programme for communal administrators in December. Assistance to local governments and public administration is being discussed between the Government and UNDP, the World Bank, the European Commission and other donors. In this regard, communal administrations require significant organizational capacity-building to respond effectively to local needs and to produce and implement community development plans.

Judicial reform

52. There has been no progress towards achieving an independent, credible judiciary, respected by all Burundians, an essential step towards the comprehensive transformation of the judicial sector. Critically needed reforms include: addressing

ethnic and gender imbalances in the judiciary, enhancing the judiciary's independence, and developing qualified, trained and supervised judges and prosecutors. The judiciary infrastructure, in particular the prison system, also requires urgent attention.

Mines and explosive remnants of war

53. Important progress has been made in the area of mine action. As of 1 February, through the activities of the Mine Action Coordination Centre, 75 per cent of the national community survey on mines and explosive remnants of war had been completed. Twenty spot explosive ordnance disposal tasks were completed in rural areas, allowing the use of 35 per cent of agricultural land along the Tanzanian border. In addition, mine risk education was provided to some 15,000 beneficiaries in mine affected areas. Despite this progress, 15 per cent of the communes remain affected by explosive remnants of war and between 8 and 12 per cent of the population continues to live in high-risk areas.

VI. United Nations Office at Nairobi

A. Activities and first phase of withdrawal

54. It will be recalled that, in November 2005, the Government requested the withdrawal of ONUB in view of what it considered to be a significant improvement in the overall situation in the country, which it believed no longer warrants the continuation of a peacekeeping presence. The Government's position on this issue is outlined in its letter to the President of the Security Council dated 23 November 2005 (S/2005/736).

Military

55. At the request of the Government, ONUB began the drawdown of 40 per cent of its military force in December 2005, with the repatriation of a Mozambican guard company from Bujumbura. This was followed by the withdrawal of the Kenyan battalion from Makamba in February. The withdrawal of the Ethiopian battalion from Gitega and 80 military observers, and subject to Security Council approval, the possible redeployment to the Democratic Republic of the Congo of a level 2 hospital, an engineering company, and an aviation unit, is expected to take place between March and April, at which point the ONUB troop strength deployed in Burundi will stand at some 3,500. In view of the precarious security situation in the western provinces, ONUB military observer teams have, however, been reinforced in Bubanza, Bujumbura Rural and Cibitoke.

56. Between 15 November 2005 and 1 February 2006, ONUB continued to patrol throughout the country to promote confidence in the eastern provinces and to improve the security situation in the west. Despite restrictions on patrolling imposed by the Government in late 2005, ONUB continued to monitor the border with the Democratic Republic of the Congo, including daily patrols on Lake Tanganyika.

57. The ONUB force continued to support the disarmament and demobilization process and the dismantling of militias. It provided security, engineering and logistical support to humanitarian agencies in connection with the return of refugees

and displaced persons. ONUB transported over 1,500 refugees to various destinations as part of the return and resettlement process, transported some 400 tons of school materials to the provinces, and assisted with the implementation of a number of quick impact projects.

Police

58. The first basic skills training programme for the Burundi National Police with support from ONUB was completed in January involving 107 senior officers and 600 corporals. The second course for 150 senior officers and 600 corporals is under way. As requested by the Government, the ONUB police component began drawing down in December, with a view to reducing the number of officers from 120 to 15 by 31 March 2006. From November 2005 to January 2006, ONUB was able to maintain the provision of mentoring and advice on operational police matters, including investigations, patrols, report writing and supervision. It also provided support to the Burundi National Police in logistics planning, human resources, training and the development of legal frameworks. At the Government's request, since January, ONUB technical assistance to the Burundi National Police has focused exclusively on training activities in Bujumbura.

Other activities

59. ONUB continued its activities related to the monitoring and promotion of human rights, in coordination with national and international organizations, including the provision of human rights training for police recruits and commune officials. It assisted the Government in the development of an emergency programme to address sexual violence. ONUB provided technical support to the ongoing disarmament, demobilization, and reintegration programme and contributed to building mine action capacity. ONUB also completed several assessments on the resource needs of the 129 communes. These assessments were submitted to the Government, United Nations agencies, and donors for their information and follow-up.

60. Given the withdrawal of ONUB civil affairs staff, as requested by the Government, the closure of the five regional offices of ONUB is expected to be completed by the end of April. ONUB will however temporarily maintain, at the Government's request, human rights offices in Gitega, Ngozi, Makamba and Bujumbura until December 2006.

Code of conduct

61. ONUB continued to focus efforts on actively preventing all types of misconduct, in particular sexual exploitation and abuse among its staff, ensuring compliance with United Nations standards of conduct, and enforcing my "zero tolerance" policy on sexual exploitation, abuse and other undesirable behaviour by all United Nations personnel. During the reporting period, 17 allegations of misconduct implicating ONUB military personnel were received and forwarded to the Office of the Internal Oversight's Resident Investigator, in accordance with General Assembly resolution 59/287 of 4 October 2005.

B. Proposed second phase of withdrawal and residual tasks

62. As requested by the Security Council in its resolution 1650 (2005), ONUB conducted consultations with the Burundian authorities at the end of 2005 to determine the modalities for implementing the withdrawal of the Mission on the basis of the recommendations made by the Government in its letter to the President of the Security Council dated 23 November 2005 (S/2005/736). In January 2006, a technical team led by the Department of Peacekeeping Operations visited Burundi to assist ONUB in that regard. On the basis of those technical discussions with the Burundian authorities, and in accordance with the repeatedly expressed wish of the Government, ONUB submitted to the Government on 27 January proposals that envisaged the complete disengagement of the Mission by 31 December 2006. Accordingly, the liquidation of the Mission's assets in accordance with United Nations rules and regulations, and repatriation of all support staff would be completed by mid-2007. The joint ONUB-Government of Burundi Working Group was subsequently convened and approved those proposals with minor modifications on 15 February. In this regard, the Government requested that a joint evaluation of the situation and the drawdown of ONUB be carried out in May.

Drawdown of the military component

63. As requested by the Government, the disengagement of the remaining 3,536 ONUB troops, including 120 military observers from the provinces of Cibitoke, Bubanza, Bujumbura Rural and Bujumbura Mairie could be carried out between August and December. The full withdrawal of ONUB troops from Cibitoke (one battalion) would be completed by the end of September, from Bubanza (one battalion) in November and from Bujumbura Rural and Bujumbura Mairie in December.

64. During the intervening period, the ONUB military force would carry out its mandated tasks concerning the monitoring of Burundi's borders with the Democratic Republic of the Congo, including Lake Tanganyika, and the illicit cross-border movement of arms and personnel. However, as the drawdown proceeds, these responsibilities would be assumed progressively by the Burundian security forces. In order to better coordinate the activities of ONUB and the National Defence Force and to ensure an orderly and well-calibrated withdrawal, a coordination mechanism between ONUB and the National Defence Force was established at the force headquarters' level, with relevant information exchange taking place at the tactical level. The coordination mechanism will also allow ONUB and the National Defence Force to exchange information on border activities, to coordinate operational activities and to interact in emergency situations during curfew hours.

65. The protection of ONUB personnel, facilities and equipment would be undertaken by ONUB troops in the areas of their deployment, with support from the Government. Overall security responsibilities would revert to the Burundian security forces in each province once formal handover has taken place, including for the ONUB human rights offices remaining in Ngozi, Gitega, and Makamba until December 2006.

66. With regard to the logistical and engineering support for humanitarian operations of WFP and UNHCR, agreement was reached with the Government that ONUB would have limited and temporary military presences, as required, in the 13

eastern provinces to allow ONUB engineers and their support to assist, within existing resources, in the construction and expansion of transit sites, way stations and water points for returning refugees. ONUB would also assist with road improvements in support of critical humanitarian activities, and could provide land and aerial transportation support to WFP and UNHCR. An assessment is currently under way to establish the cost implications for those projects.

67. The ONUB drawdown plan takes into consideration the need to maintain sufficient capacity until the final stages of withdrawal in order to support the possible monitoring of a ceasefire and the disarmament and demobilization of FNL combatants, should a comprehensive ceasefire agreement be concluded between the Government of Burundi and FNL in 2006.

Training for the Burundi National Police

68. At the request of the Government, 15 ONUB police trainers would remain to assist with the development in the National Police of core policing skills, including leadership, specialized, and harmonization training. This will include courses and seminars in criminal investigation, public order policing, patrol procedures, human rights, sexual exploitation and gender-based violence, community policing, traffic management, border control, jail procedures, rapid reaction, communications and airport security. The training programmes are being complemented by some equipment provided by international donors and managed bilaterally or through UNDP. From April until the departure of all ONUB police trainers in December, this training will be conducted in Bujumbura.

Disarmament, demobilization and reintegration

69. It is proposed that, in cooperation with national and international partners, ONUB continue to provide throughout 2006 assistance to the ongoing disarmament and demobilization process. ONUB would provide technical assistance to the Government and implementing partners for: the conclusion of the disarmament and demobilization of National Defence Force personnel, the dismantling of militias, and taking the necessary legal, logistic and administrative measures to ensure the disarmament and repatriation of all combatants on foreign soil. ONUB would also provide technical assistance for the destruction of excess weapons and munitions from Government stocks and those that might be collected during the civilian disarmament process.

70. Pending the conclusion of a comprehensive ceasefire agreement between the Government and FNL, ONUB could, subject to a further request from the Government, assist in the design and implementation of disarmament procedures for FNL combatants.

Security sector reform

71. It is proposed that ONUB continue to assist the Government in the development of an overall framework for security sector reform and support the development of a road map for its implementation, to allow international partners to move in an integrated manner from ad hoc project assistance to systematic support for this key sector. ONUB would assist with the mobilization of resources for the implementation of short, medium and longer-term reforms in this sector, and to support the Government in strengthening partnerships in this area. In addition,

ONUB would assist UNDP in supporting the Government's efforts on civilian disarmament.

Human rights and transitional justice

72. Working in an integrated manner with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Burundi and with other partners, ONUB would maintain its assistance to the Government in the protection and promotion of human rights and capacity-building, in addition to the ongoing monitoring of the human rights situation. ONUB would provide support for the preparation of a national human rights action plan and the establishment of an independent human rights commission. It would provide training for officials and national institutions responsible for promoting and protecting human rights. In collaboration with OHCHR, ONUB could also assist the Government with the review of national laws relating to human rights in order to align them with international human rights instruments and agreements. In accordance with the Government's request for national capacity-building in this area, it is proposed that international human rights officers be reduced, which could be somewhat compensated by an increase in national officers.

73. For the establishment of a truth and reconciliation commission and a special chamber, it is proposed that ONUB, working in coordination with OHCHR, the United Nations Office of Legal Affairs and other partners, assist with the preparatory consultative and legal processes required for the establishment of those bodies and provide technical assistance to the Government on the design and installation of both mechanisms. The modalities of United Nations assistance will be determined with the Government during the mission referred to in paragraph 41. I intend to bring the outcome of these negotiations to the attention of the Security Council.

Mine action

74. ONUB will transfer to the Government all regulatory authority and coordination responsibility for mine action activities by 1 July 2006, provided that the Government passes the necessary legislation to assign responsibility for coordination of the humanitarian mine action process. To that end, the remaining activities of ONUB would include: the transfer of the Mine Action Coordination Centre to the Ministry of Interior and Public Security; provision of technical assistance to the Government and other partners for formulating an integrated multi-year mine action strategy and action plan, a national mine action standards plan and a policy on mine clearance; and provision of technical advice and training to enhance the operational capacities of national and international actors in this area. Additionally, ONUB would continue supporting the development of national capacity for mine clearance and ordnance disposal and would continue to undertake those activities in affected areas. Safety training on landmine and explosive remnants of war would also be provided to humanitarian actors. By 1 July, UNDP would assume all responsibility for United Nations mine action activities in Burundi, in particular assistance with technical advice and resource mobilization.

VII. Transfer of troops to the United Nations Organization Mission in the Democratic Republic of the Congo

75. In accordance with paragraphs 5 and 6 of Security Council resolution 1650 (2005), I intend to submit for the Council's approval a detailed proposal regarding the possible redeployment of one battalion and support unit from ONUB to MONUC. These troops, who are being withdrawn from Burundi as part of the first phase of drawdown, would be temporarily deployed in the Democratic Republic of the Congo to provide MONUC with a much needed surge capacity during and after the elections in the Democratic Republic of the Congo. The proposal, which is currently being finalized, will also outline the outcome of discussions with troop-contributing countries and concerned States and will provide an overview of tasks to be carried out as well as an initial estimation of the duration of this temporary redeployment. It will also set out the expected implications for both Missions.

VIII. Financial aspects

76. As indicated in paragraph 66 of my previous report, the General Assembly, by its resolution 59/15 B of 22 June 2005 appropriated the amount of $292.3 million for the maintenance of ONUB for the period from 1 July 2005 to 30 June 2006. Pending consideration by the Security Council of my proposals with regard to adjustments of the mandate of ONUB, I shall request the General Assembly during the second part of its sixtieth session to authorize me to enter into commitments to provide for the financing of the Operation for the period from 1 July to 31 October 2006 in the amount of some $80 million. Accordingly, the full budget for the period from 1 July 2006 to 30 June 2007 will be submitted to the Assembly during the main part of its sixty-first session. As at 31 December 2005, unpaid assessed contributions to the special account for ONUB amounted to $93.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,918.9 million. Reimbursement of troop and contingent-owned equipment costs has been made for the period up to 31 October 2005 and 30 September 2005, respectively, in accordance with the quarterly payment schedule.

IX. Observations

77. During the past seven months, the Government has focused its initial steps on enhancing longer-term prospects for the people of Burundi. It has put forward an ambitious legislative programme with an emphasis on enhancing security and combating corruption, supported by a budget focused on improving the delivery of social services and meeting basic human needs. The Government has also made efforts to respect constitutionally mandated ethnic and gender balances in senior Government appointments.

78. At the same time, the country faces a daunting interlinked combination of immediate and longer-term security, humanitarian, development and social challenges that will require urgent, substantial and sustained attention from the Government and its international partners. After more than a decade of devastating conflict, the security and economic situation in Burundi remains extremely fragile, requiring massive commitment of all involved. Urgent improvements are required in

the areas of good governance, transparency and accountability and respect for human rights, as well as the continuation of major economic, security and political reforms. In this regard, the interaction and active involvement of the region, bilateral partners and the United Nations will remain vital.

79. The most immediate task facing the Government is ending the 12-year conflict and restoring durable peace. The continued fighting with FNL poses a long-term threat to peace in Burundi and the region. It impedes economic development and causes enormous human suffering, both in humanitarian terms and in the increasing human rights abuses associated with it. Despite the commendable efforts of the Government of the United Republic of Tanzania to bring about a negotiated settlement, regrettably no progress has so far been achieved. In my view, a multifaceted approach is needed, combining various measures to resolve the long-standing FNL question. It is imperative that the FNL leadership declare without any further delay their unconditional intention to engage in good faith in negotiations with the legitimate Government of Burundi. I also trust that the Government will be able to take all possible steps towards reaching a negotiated solution with FNL that would allow for the armed group's demobilization and re-entry into civilian life.

80. In this context, it is hoped that the leaders of the Regional Peace Initiative for Burundi and the facilitation of the Burundi peace process will reinvigorate their support, in order to bring the peace process to a successful conclusion. The Government and people of Burundi should stand to benefit enormously from the continued close engagement of the Regional Initiative in addressing the enormous challenges that remain in restoring security and consolidating peace nationwide.

81. The effective maintenance of internal and external security by the Burundian security forces and their respect for human rights are essential prerequisites for achieving progress towards the socio-economic goals outlined by the Government. In this regard, there has been progress in restructuring the national security forces by integrating former belligerents. However, both the National Defence Force and the Burundi National Police face massive equipment and sustenance shortfalls in all areas, and the development and implementation of an effective, comprehensive security sector reform programme, supported by well-coordinated assistance from donor States is urgently needed. In the coming months, ONUB will be working closely with the Government and its international partners on this priority track and I would appeal to all concerned Member States to provide all possible assistance in this vital area, which will be essential for durable stability in the country.

82. The protection of human rights, judicial sector reform, and national reconciliation remain critical to the consolidation of peace. In this regard, I acknowledge the priority accorded by the Government to improving national capacity in the area of human rights and also moving forward on the establishment of the transitional justice mechanisms, with the assistance of ONUB and international partners. The Government is encouraged to initiate as soon as possible a thorough programme of judicial reform and I appeal to donors to provide the technical and financial support needed so that urgently needed progress could be made in this area.

83. Many years of devastating conflict, recurring drought and frequent displacements have driven two thirds of the population into extreme poverty and thousands are still facing serious food shortages. Burundi is in the extremely difficult situation of having severe land pressures and a predominantly rural, non-

diversified agricultural economy. Once conditions permit, hundreds of thousands of refugees are expected to return, imposing further serious strains on a fragile public sector and rural economy already struggling to cope with the significant challenges of effectively reintegrating former combatants and ensuring the delivery of basic services. The humanitarian and social crises in Burundi also remain acute.

84. Sustained progress in institutional and socio-economic transformation will be fundamental for eradicating the root causes of past conflict. Humanitarian assistance and development should be taken as concomitant, not sequential, imperatives. I am therefore very encouraged by the donors' positive response to the emergency programme announced by the Government on 28 February, and urge them to increase reconstruction and development assistance for effectively addressing the issues which could contribute to the recurrence of conflict in Burundi. It is also hoped that Burundi will be given early consideration by the Peacebuilding Commission. At the same time, it will be important for international donors and the Government to establish partnerships and additional reliable mechanisms that will ensure that priority is given to good governance issues, including the transparent management of public funds and natural resources. Such effective partnerships will serve to enhance Burundi's long-term sovereignty and ensure donor commitment.

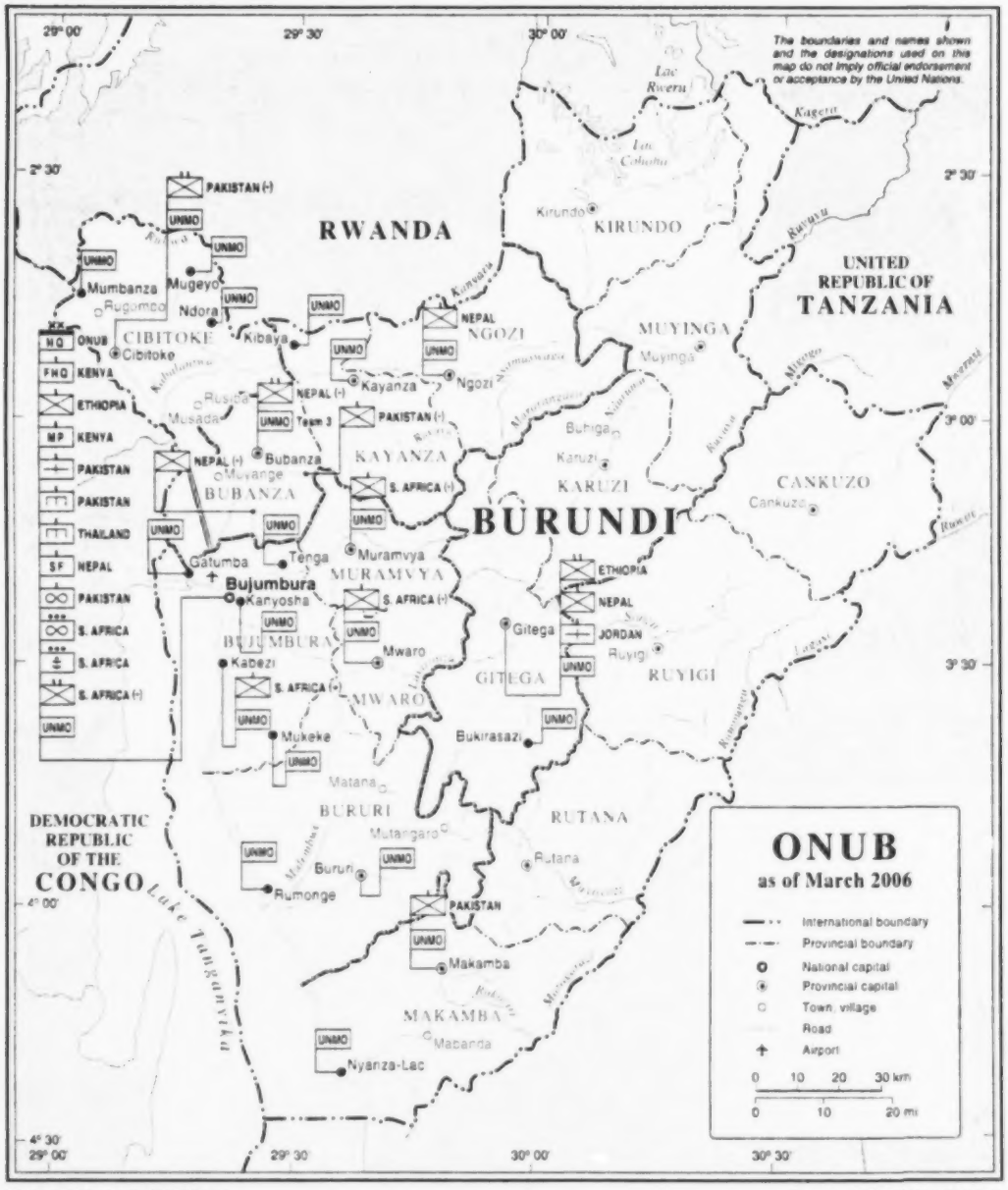
85. While significant strides towards building peace have been made, this lengthy and arduous process will remain fragile for some time in view of the complex and deep-seated origins of the conflict, the scope and scale of the changes mandated by the peace process, and the enormity of the challenges faced in all spheres. In the meantime, the principles guiding the peace process in Burundi need to be sustained by a continual process of consultation and consensus-building among the various political and ethnic groups in Burundi. In this regard, the representation of political parties and their inclusion in the decision-making process remains an area of concern.

86. It should be noted that the plan to withdraw ONUB from Burundi by 31 December 2006, as outlined in paragraphs 62 to 74 above, has been developed in consultation with the Government, following its specific and strong request for the early disengagement of the United Nations peacekeeping presence. Clearly, the initial tasks of ONUB have been completed, and priorities for support should now start shifting as the peace process moves forward. However, given the severity of the challenges facing the country, and the lessons learned by the United Nations in similar post-conflict situations, the serious risks involved should not be underestimated. In the absence of solid progress in addressing many of the root causes of conflict, the possibility of a relapse remains strong.

87. In that regard, and while collaborative planning on how to better structure the United Nations presence with the Government, the United Nations system, and international donors will continue on the assumption that ONUB will be totally withdrawn by 31 December 2006, it will be prudent to continue to monitor developments closely and assess the situation in the coming months, in consultation with the Government and major stakeholders. Should the situation at that time so require, the pace of the ONUB drawdown could be adjusted accordingly in full consultation with the Government.

88. In conclusion, I would like to express my sincere gratitude to my Special Representative, Carolyn McAskie, for her unwavering commitment to the cause of peace in Burundi, her significant contribution to the successful conclusion of the

transitional process, and the progressive return to peace in that country. I would also like to express my admiration for the women and men of ONUB, who continued to work for peace, often under difficult conditions. My appreciation also goes to all staff of the United Nations system, non-governmental organizations and the many bilateral and multilateral donors for their generous contributions to the peace process in the country.



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